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ABSTRACT

The objective of this program was to increase the awareness of locally-elected public officials, who must be considered among the key decision-makers of northwest Indiana, to the impacts of their decisions on environmental quality in this heavily industrialized region. Conferences and workshops were held to accomplish this objective and the development of mechanisms for regional inter-governmental cooperation and coordination. The program was successful in the following areas: (1) adaption of a process approach in developing environmental awareness among elected officials; (2) legislation written for the elected officials and submitted to the General Assembly of the State of Indiana to create a solid wastes management authority for northwestern Indiana; (3) development of intergovernmental cooperation and coordination; and (4) recognition of the degree to which area universities can provide resources to aid locally-elected officials and governmental agencies in their quest for environmental quality. This final report describes this program including an introduction, the target groups, the educational process, continuation activities, conclusions, recommendations, and appendices. (Author/TK)

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FINAL REPORT

GRANT NO. USOE G-0-71-4588-508

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ENVIRONMENTAL AWARENESS AMONG LOCALLY-ELECTED PUBLIC OFFICIALS IN NORTHWEST INDIANA

June, 1973

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
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AUTHOR'S ABSTRACT

The objective was increased awareness by locally-elected public officials, among the key decision-makers of northwest Indiana, to the impacts of their decisions on environmental quality in this heavily industrialized region. Conferences and workshops were held and mechanisms for regional, intergovernmental cooperation and coordination in the solution of environmental problems emerged.

Standard conference approaches involving lectures followed by discussions, achieve limited success with elected officials. A modified "Charrette" or "Process Approach" program enabled each elected official to actively participate in the program.

The program was successful in the following areas: (1) adaptation of a modified "Charrette" approach in developing environmental awareness among elected officials; (2) legislation written for the elected officials and submitted to the General Assembly of the State of Indiana to create a solid wastes management authority for northwestern Indiana; (3) development of intergovernmental cooperation and coordination, and (4) recognition of the degree to which area universities can provide resources to aid locally-elected officials and governmental agencies in their quest for environmental quality.

Solutions to environmental problems may not be the major priority concern in developing a better environment in northwestern Indiana. Concern focuses on institutional arrangements to implement solutions. In environmental public policy this educational process is successful and universities have a role to play.

Final Report (Type of Report)

Grant or Contract No. USOE G-0-71-4588-508

Title of Report: Environmental Awareness Among
Locally-Elected Public Officials
in Northwest Indiana

Name of Author: Mark Reshkin

Institution: Indiana University Northwest

City and State: Gary, Indiana

Date: June, 1973

The research reported herein was performed pursuant to a grant (grant or contract) with the Office of Education, U.S. Department of Health, Education, and Welfare. Contractors undertaking such projects under Government sponsorship are encouraged to express freely their professional judgement in the conduct of the project. Points of view or opinions stated do not, therefore, necessarily represent official Office of Education position or policy.

U.S. DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE

Office of Education

Office of Environmental Education

PREFACE

To accomplish the goals of a program such as this, many and varied resources are necessary. Obviously, funds to support the program were very necessary and were supplied by several agencies. However, of greatest importance as a resource was the active commitment and participation on the part of several people in the community who were knowledgable in the subject area involved and had, through years of public service, developed a status among the elected officials. As people are highly respected for that knowledge and their commitment to service in Lake County, Indiana. It is this writer's opinion that such a program as this could not have been successful without the participation of such respected individuals. Listed below are the individuals and their affiliations at the time of the program:

Dr. Francis A. Cizon, Professor of Sociology, Indiana University Northwest
Mr Leroy Strawhum, Environmental Health Planner, Northwest Indiana Comprehensive Health Planning, Inc.
Dr. Herman Feldman, Dean for Administration, and Professor of Psychology, Indiana University Northwest

Listed below are the cooperating agencies and institutions which provided resources necessary for the operation of the program:

1. Indiana University Northwest and the Indiana University Foundation -- The overall administrative support of the program at the local campus was under the administration of Indiana University Northwest and the Indiana University Foundation. These institutions provided the moral support and administrative guidance necessary for the director and staff to operate the program.
2. Northwest Comprehensive Health Planning, Inc. -- This seven-county health planning agency played a principle role in the activities of the program. It supplied Mr. L. J. Strawhum who was an important member of the staff throughout the program. This agency also supplied the inkind services and became the sponsoring agency for activities that developed in the latter stages of the program that involve implementing legislation and the actual public administration activities of the program. This was a very important role in that a state university has to determine the juncture point for its formal participation in activities that lead to direct governmental activity.
3. The Northwest Indiana Consortium for Higher Education -- Previous to this program and concurrent with it, six university campuses in northwest Indiana had been very active in environmental study matters in northwest Indiana. For one year under a Title I of the Higher Education Act of 1965 grant, these institutions had jointly presented seven or eight conferences dealling with major environmental problems of northwest Indiana. Concurrent with this program, the Consortium was carrying out a study relating to the environmental quality of northwest Indiana. The information gathered during this activity was intimately used

during the preparation for and operation of this educational program. One aspect of that study, a report on solid wastes in northwest Indiana is Appendix A. This report details the solid wastes problem in terms of generation, collection and disposal in northwest Indiana and further discusses the legal and organizational aspects of solid wastes management in these counties.

4. Lake, Porter Regional Transportation and Planning Commission -- This two-county planning body had been active in studying environmental problems in the northwestern counties of Indiana for some time. They were intimately involved in coordinating the activities of this conference and played a major role in activities during the latter part of the program. At this stage, the Regional Planning Commission with the assistance of the elected officials, the staff of the educational project and the membership of Comprehensive Health Planning produced a proposal to the Environmental Protection Agency for a solid wastes study in northwestern Indiana. This study became the basis along with the activities of the elected officials for the creation of legislation to establish a solid wastes management authority for northwestern Indiana. The Regional Planning Commission employed Dr. Michael Swygert, an attorney, to draw up legislation to create an authority. Dr. Swygert met with the elected officials on several occasions to review each draft of the legislation. The end result of this was the submission to the Indiana General Assembly in January, 1973, of a bill to create a solid wastes management authority. Thus, the Regional Planning Agency played a major role in the latter stages of this program.
5. Lake County Community Development Committee -- This committee of interested citizens in Lake County had been dealing with problems of solid wastes among other environmental problems for some time. The Committee had held several conferences and published several documents pertaining to the solid wastes problems of northwestern Indiana and the Committee had a subcommittee working on solid wastes management during the activities of this program. This Committee, held with the cooperation of Northwest Comprehensive Planning and Indiana University, a review of all the educational program activities and did much to generate public support especially among influential groups in Lake County to support the legislation that was developed, i.e., to create a solid wastes management authority.
6. The Department of Health, Education and Welfare - Office of Education - Office of Environmental Education -- This agency was kind enough to award Indiana University Northwest and Comprehensive Health Planning a grant of $15,000 for a demonstration program to develop environmental awareness among locally-elected public officials. The agency provided financial support, guidance and when it became necessary, granted several delays in the program to meet the circumstances of local delays due to political campaigns then in progress.

Resources were made available from other individuals and organizations. Such contributions not of a specific nature, are not listed here. It is important, however, to note that much support existed throughout Lake County for the creation of activities leading to the alleviation of the major environmental quality problems. This support came from the Soil Conservation Service of the U.S. Department of Agriculture, The Cooperative Extension Service (county agent's office) many other federal, local and state agencies, as well as, a host of citizens action groups, chambers of commerce and the like.

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INTRODUCTION

Objective of the Program

The objective of the program was to increase the awareness of locally elected public officials, who must be considered among the key decision-makers of northwest Indiana, to the impacts of their decisions on the status of environmental quality in this heavily industrialized region. A series of conferences and workshops were held to accomplish this objective and, hopefully, to see emerging from these discussions, the development of mechanisms for regional intergovernmental cooperation and coordination of the solution of environmental problems.

The Calumet Region

Northwestern Indiana, referred to locally as the Calumet Region, is one of the most heavily industrialized areas of the nation if not the world. It is a center of major steel production, electric power generation, and petroleum refining. The physical environment in this area is being altered radically; the following examples indicating the scope of such changes: (1) creation of the Indiana Dunes National Lakeshore (possible the first national park with both recreational and natural history significance); (2) the Bethlehem Steel complex, located immediately adjacent to the national park, which will become the largest steel mill in North America; (3) development of a major deep water port, the Port of Indiana; (4) redevelopment of the Little Calumet River Valley from the boundry with Illinois to the Port of Indiana for flood control and recreational purposes; (5) major urban renewal and model citites programs in Gary and East Chicago; and (6) a major study for redeveloping the waste water and rural run off processes for all the greater Chicago area (C-SELM). While these physical changes in the environment are occurring or being considered, many socio-economic changes are taking place: (1) development of the Model Cities Program in Gary which includes the institution of Income Maintenance Experiments in that city; (2) movement for disannexation of white suburbs and the incorporation of new enclaves into towns and cities in an area already characterized by many governmental units; and (3) shifting population patterns of white emigration to the suburbs and black immigration into the larger central cities of the region and almost total dependence on all of these families on employment in the major steel, oil and power industries facilities of northwestern Indiana. These examples of physical and sociological changes in the environment offer only a meager sampling to indicate the scope of change taking place. These changes point up the critical need for man to plan and coordinate his future use of this environment. And the scope and rate of these changes also indicate how little time remains to influence decision-makers, among them the governmental officials, and the general public of the Calumet Region as to the need for better planning of man's use of this particular environment.

This is an area that possesses the image of pollution. Do the people of the Calumet Region and their elected representatives, who serve as public officials accept this image as a truthful representation? Are they resigned to the fact that a polluted environment must be accepted in order for the orderly economic growth and political stability of the Calumet Region to be maintained? Or, is there the possibility that this area can become a model industrial community in terms of environmental quality?

Northwestern Indiana, similar to much of the Chicago region, is composed of an astonishing multiplicity of local governmental units. These local governments for many many years have acted unilaterially in response to almost all concerns relating to the environment. In Lake County, Indiana alone there are some 22 local governmental units, each having major responsibilities over areas of prime environmental concern to the citizens within their jurisdictions but often the population of the entire region. One could characterize this area as one of the most "Balkanized" regions of the world in terms of local intergovernmental authority, organization and decision making. One question which this program attempted to answer was what areas of environmental concern were mutually significant to these local governmental agencies and which of these areas did they feel that they could jointly challenge in terms of reaching solutions that would produce a better environment for all of northwest Indiana.

TARGET GROUP

The target group selected for this program consisted of the chief elected officials of local government in Lake and Porter Counties, Indiana. Only officials responsible for local jurisdictions were selected and it was felt necessary that each locally elected official should actively participate in the program.

We experienced delays in the progress of the program which changed the scope of the target group. Enumeration of these delays is presented in detail in a section below. The program originally was intended for officials of both Lake and Porter Counties, Indiana, a contiguous region comprised of a largely urban and industrial county (Lake, population over 500,000) and a rapidly urbanizing and industrializing county, (Porter, population under 100,000). We found that the elected officials target group was forced to devote a major effort to campaign and election processes during the fall of 1971 and spring of 1972, and what is most important, these campaign pressures would have prevented these officials from participating as meaningfully as we had hoped for. Many of the officials suggested sending representatives to this conference in their place, i.e., city engineers, and county sanitarians. We discouraged any suggestions for participation of this nature. The November election results provided us with further unexpected problems of representation when Porter County's two largest cities witnessed unexpected changes in administration. The officials we had hoped to have participate were defeated. Some of the officials we had contacted and who we hoped would shortly become a Steering Committee to join in planning the program, suggested that, in light of these developments, we consider the program for Lake County officials alone. They suggested running the program for Porter County officials at a later date and subsequently having both groups meet together. The staff concurred with these recommendations (which were reinforced by the officials at the first formal Steering Committee meeting and further reinforced throughout the sessions) and proceeded with planning for a target group comprised of the chief official of each community; i.e., mayors, town board presidents, and the county treasurer and commissioners.

THE EDUCATIONAL PROCESS

Type of Educational Conference Program:

Prior to the program, it was recognized that standard conference approaches involving lectures followed by discussions, would achieve only limited success in reaching the stated goals. It was felt necessary that each elected official should actively participate in the program. These people, truly leaders and decision-makers in the communities of Lake County, could not be lectured to, therefore, a "process approach" was decided upon. Such an approach for elected officials required their participation actively in the conference activities for a period lasting for at least several days at a time.

Delays Inherent in Such a Program with Elected Officials:

This process approach required that key elected officials be involved in planning the conferences and that almost total representation be required of the elected officials during the major conference period. These requirements presented the staff with delays in the scheduling of the program and, needless to say, not all of them were anticipated.

Some enumeraion of these delays is presented in the belief that, given the benefit of our experiences, others may avoid such problems. The program was originally intended for elected officials of both Lake and Porter Counties, Indiana. We found that the elected officials spent much time and effort on campaign and election processes during the fall of 1971 and, what is most important, these campaign pressures prevented the officials from participating as meaningfully as we had hoped for in the planning of the program. We had scheduled a three day conference for some 20 elected officials during the fall of 1971. Many of the officials suggested sending representatives to this conference in their places, i.e., city engineers and county sanitarians. We discouraged any suggestions for participation of this nature. We believed very strongly that the goal was to reach the decision-makers directly.

The November, 1971, election results provided us with unexpected and additional problems which resulted in further program delay and modification. Porter County's two large cities witnessed unexpected changes in administration. The officials we had hoped to have participate were defeated in these elections. Some of the officials we had contacted who we hoped shortly would become a Steering Committee involved in planning the program, suggested that in light of these developments, we consider the program for Lake County alone. They suggested running the program for Porter County officials at a later date and, subsequently, having both groups meet together. The staff concurred with these recommendations and proceeded with planning for an early 1972 conference.

A Steering Committee of elected officials was suggested as a mechanism to start the process approach to the program. The Steering Committee with the program staff determined which elected officials (in addition to themselves) would be invited to participate and when and where the conference would be held.

A Steering Committee of elected officials was suggested as a mechanism to start the process approach to the program. The Steering Committee with the program staff determined which elected officials (in addition to themselves) would be invited to participate and when and where the conference would be held. Professor Francis Cizon, then Chairman of the Department of Sociology at Indiana University Northwest, was chosen as the person to serve as moderator at the conferences and workshops. He visited each potential participant and explained the program to them. Support for the program and commitment to participation was unanimous. Two Steering Committee meetings were held (and are detailed below) at which it was agreed that a conference would be held for two and one-half days at a location where continuous discussion was possible with a minimum amount of interruption. This decision meant physically removing the conference from the proximity of the Calumet Region.

At this juncture, two additional events produced additional delays in the program. Gary, Indiana became the scene of the Black National Convention and Mayor Richard Hatcher, an important Steering Committee member, was not able to participate to the extent necessary to run the conference early in the spring of 1972. If the problems of Gary, the inner city and the disadvantaged were not to be an integral part of the discussions, the Steering Committee decided that a successful program would not have resulted. Thus, an additional delay brought us into the political primary season of spring, 1972, and we again faced the problem experienced during the fall of 1971 and described above.

The steering group, however, did reorganize during that political primary season of spring, 1972, and met on several occasions. The program was returned to a more normal schedule, the activities of which are described below.

Steering Committee Meetings and Planning Activities Prior to the Major Conference:

A group of the elected officials met on several occasions with members of the staff as a Steering Committee during the spring of 1972. The staff consisted of Indiana University Northwest personne; Professors Reshkin, Cizon, and Feldman and Lee Strawhum the Environmental Health Planner of the co-sponsoring organization, Northwest Indiana Comprehensive Health Planning, Incorporated. In the first of these meetings, the purpose and sponsorship of the conference was explained and the questions to be considered at the June 8th to 10th conference at Rockton, Illinois were discussed.

Those present at one or more of these meetings were Mayors Collins, Harangody, Klen, Pastrick, Town Board President Galvin; County Commissioner Behnke; County Treasurer Angel and Messrs. Cizon, Feldman, McNeill, Reshkin and Strawhum from CHP and IUN. At these meetings, the discussion covered the purpose and sponsorship of the conferences, environmental quality in northwest Indiana, conference processes, role of the Steering Committee, and representation at the conferences. Details of these planning sessions are summarized below:

Purpose of the Conference: The Steering Committee meetings involved the following concerns of major importance to the locally-elected officials:

a) The image of poor physical and social environmental conditions in northwestern Indiana
b) The complexity of the organization and inter-relationships of governmental units working on the issues of environmental quality in northwest Indiana.
c) The responsibilities of the Lake, Porter Counties Regional Transportation and Planning Commission, and the Northwest Indiana Comprehensive Health Planning Council, Inc., and indeed, the involvement of Porter County governmental officials in environmental quality questions of the Calumet Region.
d) The problems of a public administration nature involved in working with six counties of northeastern Illinois (The Northeastern Illinois Planning Commission) and seven counties in Indiana (Planning Region I of Indiana) and the formulation of an interstate planning compact.
e) The problems of state and federal regulations of environmental quality and the pressures generated by the agencies responsible for these concerns on all levels of government.

The staff explained the opportunity which was being made available to the locally-elected officials to gather together in a non-political setting to discuss the environmental issues of the area. The aim of these gatherings would be an examination of the local and regional abilities to cope with the following environmental questions:

a) To see environmental issues in their inter-relativeness and totality.
b) To develop interest in continued coordinated discussions at the top levels of local governmental administration concerning environmental problems.
c) To encourage cooperation in the sharing of ideas and the coordination of actions in an effort to solve some of the environmental problems of the Calumet Region.

Sponsorship: The sponsorship for these conferences was explained to the elected officials and involved the following agencies:

a) How are the environmental quality problems of the Calumet Region related to other problem areas in this part of the country, e.g., economic, political, educational, welfare, housing, etc.?
b) Which are the environmental problems we have that are unique to individual communities and which environmental problems are held in common with other communities?
c) What are the key issues in resolving environmental concerns? Money? Public interest? Facilities? Personnel? Others?
d) What are the highest priority areas in terms of environmental concerns in the Calumet Region?

e) What are the advantages and disadvantages of prevention versus remedial action or treatment of environmental concerns in light of the many pressing social and economic problems facing our communities?
f) What are the advantages and disadvantages of intergovernmental cooperation in resolving environmental concerns in the Calumet Region?
g) Are we getting our fair share of state and federal help? If not, why not?
h) How do we break through the state and federal bureaucracies to get money and other aid needed to resolve our local environmental concerns?
i) How do we convince the public of the importance of enviornmental needs?
j) How have other cities and counties faced these issues?
k) What can we do now? What must we do to plan for the next five to ten years to remove the environmental handicap so evident in the Calumet Region?

Procedure for the Conference: At the first Steering meeting, Chancellor Robert J. McNeill and Dean for Administration, Herman Feldman, indicated the University's role in this project. That role is primarily one of providing information and expertise for the discussions to be held by the elected officials. The format of the activities would involve no lecturing, no preaching, no absolute answers. It would provide expertise on specific issues if this expertise was requested and if, indeed, it could be made available.

The responsibilities of the staff in terms of the conference were indicated:

Lee Strawhum - - Northwest Indiana Comprehensive Health Planning Council, Inc. Mr. Strawhum's responsibilities would be in the area of organization and operation of the conferences. His address is 8145 Kennedy Avenue, Highland, Indiana 46322.

Mark Reshkin - - Indiana University Northwest. Mr. Reshkin's responsibility is to provide expertise on environmental concerns, environmental personnel, i.e., expertise at the state, local and federal levels and expertise within universities within the greater Chicago area.

Francis Cizon - -Indiana University Northwest. The Program Moderator, Mr. Cizon is the person responsible for chairing the meetings and maintaining order and continuity at our activities during the major session at Rockton.

Herman Feldman - Indiana University Northwest. Mr. Feldman's role was to assist Mr. Cizon and to coordinate the questionnaire, development, administration and evaluation processes involved in the program.

Steering Committee Responsibilities: The elected officials on the Steering Committee are responsible for the following:

a) Who else besides the Steering Committee members should be involved; what other cities and towns should be represented, which officials, county officials; state officials?
b) What kind of programs, lectures, discussions, experience sharing, small group process?
c) How long should the conference be?
d) Where should it be?
e) When?
f) What cost and budget should be involved?
g) Other issues for the Planning and Steering Committee concerned, confidentiality, publicity, reporting and evaluation, priority of issues, additional conferences, future efforts.
h) What representation should exist on the Steering Committee in order to plan the actual programs?

The results of the Steering Committee's activities were: (1) the selection of some twenty elected officials including all county commissioners, the county treasurer, every mayor and every town board president in Lake County; (2) the selection of June 8th to 10th, 1972 as the time for a major conference utilizing the process approach and held at a location removed from the Calumet Region; (3) the decision that Mr. Cizon would chair the conference, Mr. Strawhum would take care of all business arrangements for the conference, Mr. Reshkin would coordinate environmental information and expertise needed for such a discussion, and Mr. Feldman would prepare questionnaries, analyze the results and coordinate the analysis of these data.

Environmental Conference at Rockton, Illinois, June 8-10, 1972:

The elected officials attending were: Messers Angel, Behnke, Collins, Fehlberg, Galvin, Gibson, Holland (for Mayor Hatcher), Jacobs, Cole (for Mayor Klen), Napiwocki, Olszewski, Vasconi (for Mayor Pastrick), Titus and Woodburn. Attending from the Department of Housing and Urban Development Mr. Stephen Hans, Chief HUD Officer in Indiana and Ms. Joan Otto, HUD Planner in Indiana. Staff: Messers. Cizon, Feldman, Reshkin and Strawhum.

Thursday Evening, June 8, 1972: The Opening Session: The conference convened in a meeting room after dinner on the evening of June 8th at 9 pm. The session began with an introduction of all participants and staff by Dr. Cizon. Dr. Cizon, acting as Chairman, proceeded to lay the ground rules for the several days of activity. He indicated the types of seminars that are possible: (1) give the participants the answers -- "obey"!; (2) convince participants of your decisions -- "comply"!; and (3) work out answers and decisions -- get "cooperation"! It was decided that this would be a peer-group seminar with the emphasis on the latter approach emphasizing problem solving.

The first activity of the evening was designed to encourage the participants to speak out freely concerning their positions with relationship to the environmental quality of northwestern Indiana. They were asked to discuss privately (in groups of 2 or 3 each) the negative and positive aspects of living and working in Lake County. Then each group was to relate to the group as a whole (one person in each group would do the reporting) the results of their thinking. Each group was asked to write their ideas on large pads of news print so that the group reporting toward the end of the session would not just be saying "we came up with the same results as an earlier group". It is reasonable to conclude that this discussion revealed that there was much to be optimistic about in the Calumet Region. Table one below summarizes these discussion:

TABLE I POSITIVE AND NEGATIVE FEATURES IN LAKE COUNTY, INDIANA OVER THE PAST FIVE YEARS

Positive Features in Lake County Over the Past Five Years -- Things Which Lead to Optimism. (The number of groups reporting the same items are indicated at the right of each statement.)

a) Urban Renewal (2)
b) Concern with Environmental Pollution (1)
c) Awareness of the Need for Equal Opportunity (1)
d) Planning and Zoning Organization (The Lake, Porter Regional Transportation and Planning Commission) and Problem Solving (2)
e) Development of Parks and Recreational Sites (1)
f) The Acknowledgement of the Existence of Environmental Quality Problems (2)
g) The Growth of Employment Potentials (3)
h) The Improvement in Housing (2)
i) The Growth of Suburban Communities (1)
j) The Growth of Educational Facilities and Opportunities (3)
k) The Close Proximity to Chicago (1)
l) Continued Expansion of Major Industries (1)
m) The Completion of Interstate Highway I-65 (1)
n) The Awareness of the Drug Problem (1)
o) The Federal Pressures to Clean up the Local Environment (1)
p) The Improvement of Working Conditions (1)

The Negative Aspects of Lake County Over the Past Five Years -- Things Which Lead to Pessimism (The number of groups reporting the same items are indicated at the right of each statement)

a) Racial Issues and Tensions (4)
b) A Lack of Vocational Education Opportunities (1)
c) The Increase in the Crime Rate (4)
d) Drug Abuse (2)
e) Pollution Continuing to be a Major Issue (2)
f) The Reduction in Health Services Delivery (1)

TABLE I - continued

g) The Lack of Diversification of Area Industries (1)
h) The Increase in Air Pollution (3)
i) The Quality of Primary and Secondary Education in the Central Cities (1)
j) The Tax Increases on the Individual (4)
k) The Effect of Increase Taxes on Industrial Stability and Growth (4)
l) The Congestion on the Highways (2)
m) The Increase in Water Pollution (1)
n) The Problems of School Financing (1)
o) The Problems of Railroad Crossing and Traffic Disruptions (1)

Herman Feldman, then, presented questionnaires to be completed by those officials who had not completed them prior to the conference. The data and evaluation relating to a questionnaire retured by college students at Indiana University Northwest over the past several years concerning environmental quality conditions were presented to the participants while the questionnaires that they had just completed were being tabulated.

A very detailed questionnaire had been developed for distribution prior to the conference, but it was decided not to use such a questionnaire when it was concluded that these very busy elected officials might not fill out such a questionnaire to the elected officials a week before we were to gather at the Rockton meeting. Instead, a questionnaire involving only three major questions was developed. The questions, answers and weighted tabulations are listed below as Table II.

TABLE II ENVIRONMENTAL PROBLEMS QUESTIONNAIRE PRESENTED TO ELECTED OFFICIALS OF LAKE COUNTY, INDIANA. A weighted tabulation of responses (5 points for a highest priority problem and one point for a lowest priority problem) for all responses is shown on the right-hand column.

1. Rank in decreasing order the five most serious environmental issues of concern to most people in your jurisdiction:

(1)	Water Quality	38
(2)	Solid Waste	34
(3)	Drainage & Flooding	21
(4)	Air Pollution	14
(5)	Land Use	11
(6)	Crime	9
(7)	Transportation	7
(8)	Health	6
(9)	Parks & Recreation	5
(10)	Housing	4
(11)	Water Supply	1
(11)	Community Facilities	1

TABLE II - Continued

No Answer	4

(This occurred when not all five categories were filled out by each recipient of a questionnaire.)

2. Rank in decreasing order the five most troublesome issues of concern to you as a public official on a daily basis, in terms of environmental quality:

(1)	Solid Waste	51
(2)	Water Quality	33
(3)	Drainage & Flooding	19
(4)	Air Pollution	17
(5)	Land Use	11
(6)	Health	9
(7)	Crime	8
(8)	Transportation	6
(8)	Housing	6
(9)	Parks & Recreation	4
(10)	Intergovernmental Cooperation	2
(10)	Drugs	2
(10)	Noise	2
(11)	Water Supply	1
(11)	Pollution in General	1
	No Answer	8

(This occured when not all five categories were filled out by each recipient of a questionnaire.)

3. Rank in order of decreasing seriousness the five top environmental problems in Lake County as a whole:

(1)	Water Quality	42½
(2)	Solid Waste	34
(3)	Air Pollution	28½
(4)	Transportation	12
(5)	Crime	10
(6)	Flooding & Drainage	9½
(7)	Health	6
(8)	Parks & Recreation	4½
(9)	Education	2
(9)	Housing	2
(10)	Land Use	1
	No Answer	18

(This occurred when not all five categories were filled out by each recipient of a questionnaire.)

The results of the questionnaire were presented to the elected officials prior to the final discussion of the evening. A concise digest of these results revealed the following:

Question 1. (Of greatest concern, in terms of environmental quality to the people in your constituency) the major issues were water quality including flooding and sewage followed by solid wastes and then air quality.

Question 2. (Of greatest concern to you as elected officials) were primarily water quality including flooding and sewage followed by solid wastes and then air pollution, and

Question 3. (Of greatest concern to Lake County as a whole) were water quality including flooding and sewage followed by solid wastes and then air pollution problems.

A lively discussion followed during which time some of the participants who had never met prior to this evening got acquainted and, of course, old friendships were renewed. The meeting adjourned at midnight to reconvene the following morning.

Friday Morning, June 9, 1972:

To begin the first session Friday morning, a discussion, chaired by Mr. Ciaon, was held concerning what public officials could do relative to the publics they serve. During this discussion, the elected officials brought up the following points concisely summarized below:

1. People in Lake County are developing an awareness of the needs of Lake County, especially in the area of environmental control, but they are not making immediate demands for the environmental concern with the people of the Calumet Region.
2. It will take an environmental crisis to spur action for environmental improvement.
3. The news media has not yet done an adequate job of informing the people of the problems and most importantly of the cost of solutions to these problems.
4. A question was raised as to what should the relationship be between the public official and his constituency in terms of environmental quality? Should the public official only heed the wishes of the public or should they act as elites? The values of the people affect the position of the public official and the public official also affects the positions taken by the people. The priorities of each interested group in Lake County also affect the public official's position. The citizens act in groups and each group seems to be interested in a specific issue. The public officials is faced with the inter-relatedness of the various issues that comes before him. The public official must relate to the total public and there are varying human values. Not all the citizens have the same views as to the needs of Lake County in terms of environmental quality.

In summary, there seems to be a mandate from the people to work for better environmental quality, but not, a willingness on the part of the people to pay their share of the cost.

It was decided that three major problem areas should be used as vehicles for discussion concerning environmental quality in Lake County. These areas were water quality including sewage and flooding, air pollution and the problem of solid wastes collection and disposal. The elected offical divided themselves into three groups. Each group was composed of a county official, mayor of a large city, a county board president, and a mayor of a small city. Each of the groups adjourned to a separate room to carry out their discussions. During this time, the staff worked on the weighted analysis of the questionnaires, made transparencies of these results and duplicated questionnaire results to be presented to the conferees when they resumed meeting in general session.

Each group had available large pads of news print on which they were to record their activities. A chairman and a recorder were chosen in each group with the chairman to report back for the entire group and the recorder to make sure that the major points in the discussion were recorded on the news print pads so that each group could see the results of the other group's activities. The groups reconvened in general session, posted their data and presented the results of their deliberations. These results are listed below in Tables III-VI.

TABLE III RESULTS OF SMALL GROUP DISCUSSION OF AIR POLLUTION

Household

For better air quality:

1. Less use of coal and oil and conversion of home furnances by replacement with gas; availability of gas through underground storage.
2. Lead burning ordinances.
3. Public Awareness

Against better air quality

1. Monoply of Northern Indiana Public Service Company (the local public utility).
2. Charge for refuse removal.
3. Convenience foods and the packaging industry.
4. Fixed income.

Government

For better air quality:

1. Ordinances
2. Construction of incinerators
3. EPA regulations and regulations against open "burning dumps.

Against better air quality:

1. Taxes -- political refusal to solve costs problems by raising necessary revenues through higher taxes
2. Lack of inter-municipal cooperation

Table III - Continued

Industry

For better air quality:	Against better air quality:
1. Tax incentives such as in East Chicago	1. Job vs. environment -- fear of loss of employment in heavy industries which employ most of the area's work force.
2. Control legislation at all levels of government	2. Increase in consumer costs
3. Municipal revenue bonds	3. Jurisdictional questions; air movements not confined by governmental jurisdictions, but emission sources are: how can regulation occur if emission source community is fearful of employment regulations, etc., if strong air quality regulations are enforced?
4. Citizen's action group involvment and resulting pressures on industry	4. International competition of area industries -- price of foreign steel and petroleum
	5. Apathy on the part of industry

Vehicles

For better air quality:	Against better air quality:
1. Federal regulations on automobile manufacturers	1. Increased costs to consumer for pollution control devices
2. Mass transportation legislation supported locally	2. Increased numbers of vehicles per family
3. Unleaded gasoline	3. Unacceptance by public of mass transportation
4. Improved emission in monitoring	4. Poor railroad management
	5. Lack of sufficient regulations for trucks, trains and airplanes

TABLE IV RESULTS OF SMALL GROUP DISCUSSION OF FLOODING AND SEWERS

Pushing for solution: Why there is a problem and what concerns cause consideration for solution.

1. Urbanization -- both a positive and a negative force
2. Planning
3. Need for recreational areas
4. Damage to homes and property
5. Zoning requirements
6. Awareness
7. Increasing cooperation of communities
8. Population growth demands
9. Washing away of some roads
10. Highway construction

Resisting Forces: Delaying solutions

1. Inadequate or poor planning
2. Undersizing or lack of sewers in many areas
3. Red tape in getting sewer project started
4. Lack of adequate funding
5. Qualifications to apply for supporting funds (politics)
6. Lack of intergovernmental cooperation by Lake County communities

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TABLE V RESULTS OF SMALL GROUP DISCUSSION OF WATER QUALITY

Pushing forces:

1. Unions
2. Need for high quality drinking
3. Health reasons, including tooth decay
4. Awareness
5. Need
6. Increased usage (population and per capital)
    - recreation
    - fishing, boating, inc.
    - damage to plumbing facilities
7. Demands of control agencies

Resisting forces:

1. Cost - economics
2. Apathy
3. Red tape
4. Distribution of state and federal monies
5. Politics

TABLE VI RESULTS OF SMALL GROUP DISCUSSION OF SOLID WASTES

Pushing forces:

1. Disposable containers used by manufacturers, i.e., the entire packaging industry philosophy
2. Decrease in acceptable means of disposal -- opening burning, incineration, open dumping, etc.
3. Population increase and per capita generation increases

Resisting forces:

1. Lack of intergovernmental cooperation and coordination among public officials
2. Public resistance
3. State of the art in technology
4. Public apathy -- dump and litter anywhere
5. Cost of improvements to meet new environmental quality criteria

Table VI - continued

Pushing forces:	Resisting forces:
4. Rural population growth and the unique rural solid waste problems	6. Backlash against conservationist "do-gooders"
5. Increased standard of living	
6. Legislation; federal, state and local	

A general discussion ensued after the presentation of the driving forces which cause pollution and those forces which work to resolve these problems in each of the three problem areas. Mr. Cizon presided and the discussion revealed certain common elements raised in the presentations of each of the groups. In each of these areas, air pollution, water quality, flooding and sewage, and solid wastes, there seemed to be an awareness of the problem by the public but no immediate demand for solution unless a crisis situation existed. Several very penetrating questions were raised. Are the people of Lake County more aware of environmental problems than the public officials? Do public officials follow or lead the people with respect to position on these environmental issues? As would be expected, differences of opinion existed among the elected officials with respect to these questions. The general opinion was that two levels of awareness exist -- a complex awareness of the inter-related nature of environmental problems by the elected officials and a general and, unfortunately, simple-minded awareness of the major environment problems of the citizenry.

The discussion focused on the question of how do public officials lead the public. If you know the problems and the solutions, should you go ahead and implement these solutions regardless of varying public opinions? The question centers around the mandate of the people for solution of the problem versus the cost to the people. Does one implement a solution knowing that he might lose public support?

Further discussion dealt with the aspects of federal government intervention and regulation relating to the implementation of solutions to environmental problems in Lake County. Relationships with the federal government were discussed in the following areas:

a) The federal bureaucracy -- its guidelines and yet its inconsistencies between the demands of various agencies
b) The federal government is forcing cooperation among communities and across state lines
c) The federal government's ability to raise money from the people as opposed to the property tax base for local government revenues
d) The problems of interagency cooperation and coordination, i.e., HUD, HEW, Interior, etc.
e) The lack of cooperation in using revenue-sharing funds in the areas if envionmental control.

Discussion preceding lunch turned to those environmental problems enumerated in the morning's discussion which are not current in each official's jurisdiction, but which will surface while the official is still in office. One elected official expressed the following, "why do we have guidelines presented to us by the federal government?" He undertook to answer this question himself by saying that, "we haven't told the government what it is we want to do locally". "Let's get ourselves together and take the initiative, thus, telling the federal government what will be done rather than wait for their direction."

Friday Afternoon, June 9, 1973: General Session

The moderator reviewed the morning's activities. The problem of the financial costs necessary for environmental quality improvement in Lake County was considered. This discussion produced the following questions:

1) How do we obtain outside funding now?
2) Where else is this funding presently going?
3) How can Lake County obtain more funds?
4) What are the procedural and political problems involved in getting more outside funding to Lake County?
5) Will revenue-sharing help in funding environmental quality improvement in northwest Indiana?
6) What is the revenue base for the local money share of federal supported environmental improvement projects?
7) Can there be a reallocation in the current funding patterns for northwest Indiana?

The consideration of funding was lengthy and heated and eventually the question arose as to whether or not there is one environmental issue in Lake County on which the elected officials from each of the communities and from county offices can focus together. Could they, as a group, go to federal agencies to request funds and to the Indiana General Assembly for approval of a county-wide or regional environmental management authority (Indiana does not have home rule) in order to develop a unified attempt at solving a pressing environmental problems?

Again, small group sessions were held. The same three groups which convened during the morning session reconvened in separate rooms to discuss the creation of an environmental management authority. They were to discuss the advantages and/or disadvantages of regional implementation authorities responsible for any environmental issue. Each group was asked to consider; (1) what were the obstacles to imprelentation of such an environmental management authority? and (2) what would be the possible administrative forms of such a country-wide or region-wide environmental management authority?

Each group decided, unilaterally, that solid wastes management offered the best opportunity for the creation of an environmental management authority extending over the entire county and, indeed, possibly into adjacent counties. This area of concern did not rank highest among the environmental problems considered by the elected officials in their questionnaire responses but was second in the priority ranking. The afternoon session reconvened as a general session at 4 pm and each of the groups reported in the same fashion as they had in the morning session (with their results depicted on large news print pads). Results of these groups deliberations are listed below:

Group I

This group decided that an environmental management authority should consider only solid wastes management. Some of the disadvantages to the creation of such an authority were:

1) The repercussions arising from the differing reactions from communities, i.e., some having solid wastes problems at present and others not having major solid wastes as a current community problem.
2) The need to educate the public to consider a standard manner of handling solid wastes for collection.
3) The addition of another tax, even though in some areas existing taxes could be removed.
4) The possibility of burden, which such an authority might place on private scavengers already operating in this area.

Advantages also were enumerated by this group and included:

1) The net effect of regional education on a particular environmental problem.
2) The elimination of all roadside dumping.
3) Uniform compliance to environmental health's standards relating to solid wastes control.
4) State Board of Health approval and support.
5) Maximum utilization of present facilities which met State Board of Health requirements including the incinerator at East Chicago and the Munster landfill.
6) Such an authority could negotiate contracts for use of facilities within existing communities where environmental health quality standards are being met.
7) Uniform enforcement of solid wastes standards.
8) Uniformly regulated charges.
9) The availability of possible federal funding for demonstration grants.

The first group also discussed the administrative format that might exist for such an authority. It could include elected or appointed officials on a population-representation basis and could also work in other areas of environmental control if it experienced an initial success in the area of solid wastes management.

Group II

The second group also chose solid wastes as the vehicle for creating an environmental management authority. They stressed the assumption that a carefully coordinated plan would already have to exist for collection and disposal of solid wastes in Lake County prior to the creation of the authority. Advantages of such an authority were deemed to be:

1) Economic
2) Operating efficiency
3) Ability to command federal funds for facility construction
4) The reduction of indescriminate dumping

The disadvantages of such an authority were considered to be:

1) The loss of patronage system advantages
2) The loss of a degree of home rule
3) An added level of government for the community

Obstacles to the creation of the solid wastes authority were considered to be:

1) The need to coordinate existing facilities within such a system
2) The difficulty in developing an equitable cost distribution
3) The difficulty in developing a formula for representation on a board of control
4) The problem of locating sites for the disposal of solid wastes
5) The loss of investment on the part of communities in present facilities.

It was stressed that the administrative form must be one such that the emphasis was placed on the disposal of solid wastes and not on the transportation aspect in each local community. An elected board of management for such an agency was favored.

Group III

The third group also considered solid wastes as an example of environmental problem to be considered for management under a regional authority. There was disagreement within this group as to the form of management. Some members of the group favored such an authority being under the administration of the county board of commissioners and, thus, there would not be the need for a new authority mechanism. One faction within the group felt that such an arrangement should limit the authority to Lake County and that the need for solid wastes management extended beyond the borders of the county. There was agreement within the group that a central authority should be developed which would have the responsibility for the disposal of solid wastes and the operation of transfer stations, but that local collection would remain the responsibility of each community. This would allow for governmental collection in some communities and private entrepenuers operating the collection systems in other communities. This third group favored a mandatory county-wide participation because a non-mandatory administrative format would not eliminate the private use of existing facilities. A minority opinion was also present on this issue which indicated that a non-mandatory basis for the authority would be necessary, otherwise, urban dwellers would be faced with the cost of supporting existing facilities as well as new facilities.

It was concluded by all groups in a summary discussion that concensus existed supporting the feasibility of an environmental management authority for solid wastes disposal in Lake County. Further discussions were deemed necessary. The question of involvement of a concerned and influential citizen's group - the Lake County Community Developing Committee, the Soil Conservation Service, State Geological Survey, State Board of Health, the Regional Planning Commission and other agencies was felt necessary before much movement toward the creation of such an authority could take place.

Representatives from the Indiana Regional Office of the Department of Housing and Urban Development were to join the group for a discussion that evening. The discussion for the remainder of the afternoon dwelled on questions and positions which might be represented to the officials of the Department of Housing and Urban Development during the evening session. The group adjourned for the Friday evening meal.

Friday Evening, June 9, 1973

The evening session consisted of several lecture presentations followed by a question and answer session. The speakers were Mr. Stephen Hens, the Indiana Director of the Department of Housing and Urban Development and Ms. Joan Otto, Director of the Planning Division of the Indiana Office of the Department of Housing and Urban Development. Mr. Hans reviewed the operations of the Indiana office which had at that time only recently been in operation having formerly been part of the Region V office in Chicago. Both speakers indicated the need for region-wide planning. It was suggested that communities in Lake and Porter Counties should more closely coordinate their activities in order to approach the federal government for funding of region-wide housing and urban development projects.

Planning in northwest Indiana and the development of the northeastern Illinois Planning Commission, the Lake Porter Counties Regional Transportation and Planning Commission, and the coordination between these two units through the Interstate Planning Commission was reviewed. Emphasis was also placed on the Indiana Department of Commerce-Planning Division's emphasis on the creation of a seven county, northwestern Indiana, planning commission. This inevitably led to consideration of the growth and status of the Lake Porter Regional Transportation Planning Commission, the activities involved in A-95 reviews, and the leadership and representation on the regional planning commission. It was emphasized that federal agencies favor the rationale for larger jurisdictions in terms of regionalization for environmental quality development. The general conclusion was that communities in Lake County had the pressing need for intergovernmental cooperation within the county in order to then be able to cooperate better with other counties and the regional organizations representing the State of Illinois. The positive and negative aspects of all of these relationships were fully discussed. The meeting adjourned and a social hour followed lasting well into the evening at which there was considerable discussion of the day's activities.

Saturday, Morning, June 10, 1973

The agenda for this final session of the three day conference included the following items:

a) Reaction to HUD personnel presentations of the previous evening
b) Consideration of planning and demonstration grants on solid wastes disposal and the creation of a county-wide solid wastes management authority
c) A resolution by the conference participants concerning the results of the conference and future activities
d) A resume and conclusions of the conference by F. Cizon
e) Evaluation of the conference by participants
f) Scheduling of follow-up meetings with participants and those participants who are unable to attend this meeting
g) Mayor Collins', of Crown Point, resume of the Indiana Environmental Management Board

Each of the items on the agenda were discussed briefly as follows:

a) Reaction of the HUD presentation -- participants agreed that some unified action on the part of communities in Lake County would be necessary in order to receive extensive support from HUD and other agencies in terms of a local initiative. The need for Lake County communities to cooperate immediately in order to enter into further cooperative arrangements with other communities, counties and states were emphasized.
b) Consideration of planning and demonstration grants on solid wastes disposal -- the elected officials agreed to encourage the Lake, Porter Counties Regional Transportation and Planning Commission to develop a proposal for solid wastes demonstration project and solid wastes disposal study to be submitted to the Environmental Protection Agency. Emphasis in the study should be on solving some of the short-term, very practical problems on an interim basis as well as developing a broad, regional long-term approach to solid wastes management. Such a study might include funding the planning for the implementation of the Lake County Solid Wastes Management Authority. It was agreed that a steering committee of elected officials would work with the Regional Planning Commission and that Comprehensive Health Planning personnel would serve as staff for this function.
c) Resolution: The resolution below was unanimously adopted and indicates that this group would concentrate, in future meetings, on the creation of a solid wastes management authority.

RESOLUTION

The undersigned participants of the seminar dealing with environmental problems have identified air pollution, water quality, and solid waste disposal as three of the most pressing problems facing the citizenry of Lake County. These problems have been examined from a variety of standpoints. The forces which facilitate solutions and those which impede progress have been aired. As a result of these deliberations, it is the consensus of this group that we consider the development of a Solid Wastes Management Authority for Lake County. We regard this as the most potentially viable approach to the disposal of solid wastes in our communities. Clearly there are advantages to be realized from the centralized implementation of a comprehensive disposal plan. Efficiency, economics of scale, environmental health, and the anticipation of growth needs all could be accomplished more effectively within the mechanism of a county-wide authority rather than by a collection of autonomous municipalities typical of the current unsatisfactory situation.

Such an authority, possible under recent state enabling legislation, could be responsible for all major aspects of the solid wastes disposal system. An arrangement which is sensitive to the realities of the communities of Lake County would of necessity have to be flexible. For example, the collection of wastes might be handled by a combination of private scavengers and municipal systems, while disposal might be centrally coordinated by the authority.

This document does not intend to set out all of the details of the way such an authority might operate. This document does however recommend that the publically elected officials continue to meet to develop a Lake County Solid Wastes Disposal Authority, whose initiation might be funded by a demonstration grant and then sustained by local funding mechanisms.

d. Evaluation of the Conference by Participants: Each participant filled out a questionnaire evaluating the effectiveness of the conference and the results of that questionnarire are indicated below in Table VII.

TABLE VII PARTICIPANT EVALUATION OF THE CONFERENCE

We would like your frank evaluation of this series of discussions. Please respond to the items below.

1. These sessions were for the most part valuable for me
   (Circle) Yes No
   12 0
2. Publicly elected officials in Lake County gained from these sessions (Circle) a lot medium a little
   2 7 3

Table VII - Continued

3. Briefly, what do you think you personally gained from this experience?

4. What were the major weaknesses of this project?
5. What were the major strengths of this progject?
6. Would you be interested in follow-up sessions in the near future? (Circle)

Yes	No
12	0

7. Do you think similar sessions on other subjects would be desirable? (Circle)

Yes	No	?
11	0	1

8. Would you want to participate again? (Circle)

Yes	No
11	1

9. Would you recommend adding participants from Porter County? (Circle)

Yes	No	?
3	6	3

10. Would such sessions be valuable for your staff people? (Circle)

Yes	No
11	2

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e. Resume of the Conference: The Moderator, Frank Cizon, reviewed the activities of the past three days, the previous planning session, and the potential for future meetings and the kinds of discussions that might ensue.

f. Follow-up Meetings: It was agreed that the staff would organize follow-up meetings with a steering committee to pursue the development of a solid wastes management authority. The steering committee would then call for the entire group to meet in order to approve such an authority and to consider the drafting of legislation.

g. Mayor Collins' resume of the Indiana Environmental Management Board was presented and is included as Appendix B.

CONTINUATION ACTIVITIES

September 1972 Meeting of the Elected Officials at Indiana University Northwest

In September, 1972, a meeting of all the elected officials was held in the conference room of the Administration Building at Indiana University Northwest. Attending were most of the elected officials involved in the meeting at Rockton, as well as, the mayors of Gary and East Chicago and all of the county commissioners. The meeting had as the prime agenda item creation of a solid wastes management authority for Lake County. Mr. Reshkin presided and distributed a review of the activities of the Steering Committee and the events of the Rockton meeting to each person present. It was at this junction that the staff of Indiana University excused themselves from official participation in the project on other than an invitation basis by the elected officials. The major activity of staff support was then assumed by the Environmental Health Planner, Mr. Lee Strawhum from Northwest Indiana Comprehensive Health Planning, Inc. From this point on, the discussion dealt with the formulation of a solid wastes management authority and the creation of legislation to this affect to be submitted to the Indiana General Assembly at its next session in January, 1973.

The result of the meeting was the formation of a Steering Committee of seven members of the elected officials to work with the Environmental Health Planner at Comprehensive Health Planning, and the Regional Planning Commission, and to avail itself of the services of interested faculty at Indiana University to produce legislation to be submitted to the General Assembly for its consideration.

Current Activities:

The program as funded by the Office of Environmental Education was terminal in nature. No additional funds are requested. The activities of the program, however, are not terminal. Through the aegis of Northwest Indiana Comprehensive Planning, Inc., the activities begun in this program are continuing. The creation of a solid wastes management authority is still being considered by elected officials and in all probability the bill that was developed as a result of the program, will be reintroduced into the next session of the state legislature.

The Steering Committee of elected officials should be reconvening in the fall of 1973 to consider the use of revenue-sharing funds as an alternative method of financing such an authority. Many citizens and several of the elected officials are considering expansion of such a solid wastes management authority into an all-encompassing environmental management authority. The faculty, staff and associated agencies of the educational program are continuing to interact with locally elected officials in areas of concern that are in part environmental and certainly all community-oriented.

The process of communication and cooperation has been established and is ongoing. The process is informal and it is the belief of the university staff that this is the way the process should be organized when a state-funded institution of higher education is involved in providing day-to-day services of a consulting nature to locally-elected governmental officials. Formal relationships of a specific nature should be developed only to solve specific problems. Universities should not become arms of local government but instead should make expertise and information readily available so that locally-elected officals can better meet their responsibilities.

CONCLUSIONS

It is the staff's conclusion that the program was successful in terms of its original goals; developing environmental awareness among locally-elected governmental officials and developing an atmosphere in which intergovernmental cooperation and coordination could be developed in the solution of major environmental problems. The program was successful in the following major areas:

1. The adaptation of a modified "Charrette Process" or "Process Approach" in developing enrironmental awareness among locally-elected governmental officials. The nature of northwest Indiana is such that very little cooperation exists between elected officials in all manner of public administration activities. The area can be characterized as one which is highly "Balkanized" as exemplified by the numberous governmental units (some 100 unique governmental units between Chicago and Michigan City). It is likely that most of the elected officials in the program had met previously only to discuss political and election activities. The process approach, emphasizing extenstive participation in the activities of the program by each participant, and the method of education involving no lectures was succhessfully used with these very important decision-makers.

2. A product of the program which indicates its success was the legislation written for the elected officials and submitted to the General Assembly of the State of Indiana to create a solid wastes management authority. This legislation did not reach the floor and was not approved by the State Legislature, however, it was committed to a study committee and current understanding is that this legislation will be revised and stands a good chance of passage in the next annual session of the assembly.

3. Probably the most important success in the program was the development of intergovernmental cooperation and coordination. Solid wastes management was certainly not the most critical environmental problem in northwest Indiana, however, it was the kind of problem about which intergovernmental cooperation could be developed. With the lack of intergovernmental cooperation and coordination of northwest Indiana, the achievement of a coordinated effort in any area by local governments must be considered a major victory. During portions of the program, there was considerable discussion about the creation of an overall environmental management authority for this part of the state. Certainly, the conditions that exist today are not yet ripe for such a development. The development of a solid wastes management authority, however, is the first step in that direction. Concurrently with this development, is the consideration of a regional mass transit management system. Thus, there seems to be movement towards regionalization in those areas where each individual governmental entity recognizes

that it cannot "go it alone" any longer. This willingness to cooperate and coordinate activities is most significant when it is realized that some of the inner-city areas have just witnessed the development of local autonomy and self decision in terms of governmental form and governmental control by minority and disadvantaged groups. Generally, such groups consider regionalization a major threat to their newly won and autonomous political control. The recognition on the part of these pressure groups and their elected official representatives that some degree of regionalization is necessary can be deemed a major success of this program.

4. The program also developed greater inter-agency cooperation and coordination on the state, local and federal levels among those institutions responsible for environmental control and management. The cooperation between the Lake, Porter Regional Transportation and Planning Commission and the Comprehensive Health Planning Agency, as well as, the State Department of Health, and the Environmental Protection Agency of the federal government was evidenced in the planning of proposals, grants and legislation which resulted from the activities of these legislative workshops.

5. In writing legislation to create a solid wastes management authority extensive interaction occurred between the elected officials, especially their Steering Committee and several local agencies including Environmental Protection Agency representatives in Chicago. The Regional Transportation and Planning Commission, and the Comprehensive Health Planning Agency. A major success of the program was the communication and cooperation developed between locally-elected chief officials and agency personnel.

6. Another successful aspect of the program was the recognition that area universities could provide resource information and personnel who could help locally-elected governmental officials and federal, state and local agencies in their quest for developing environmental qualtiy. The program further demonstrated the degree to which universities can become involved with public affairs problems and, yet, maintain their nonpartisan nature and standing in the communities.

It is the view of the staff that the major success of this project was not the drafting of legislation creating a solid wastes management authority but, instead, the degree of environmental awareness evidenced by the locally-elected officials and the recognition on their part and willingness, indeed, demonstrated ability to coordinate among their various communities, efforts to arrive at solutions for pressing community problems that they all share. The success of the program cannot really be measured in specific terms. The interactions that will occur between these elected officials and among the various agencies and universities of the area remain to be demonstrated. If the activities to date are any indication, however, one can predict that the university, the agencies and the elected officials will be working more and more closely in the future to arrive at solutions to local environmental problems. They probably will be merging their efforts in more than the physical environmental area. Solutions towards many of the community's problem can be reached by this kind of coordinated effort on the part of governmental units. It may well be that find the solutions to environmental problems is not the major priority concern in developing a better enviornment in northwestern Indiana. The major concern focuses on the implementation of these solutions. In this area of public administration, this type of educational process is a successful method for the development of an atmosphere where solutions can be implemented.

RECOMMENDATIONS

It is the opinion of the staff that the educational process used in this project, which led to environmental awareness and the willingness to coordinate activities on the part of locally-elected officials, can be replicated in other areas of the nation. The staff is convinced that people in such positions can not be lectured to. The modified "Charrette" process was most successful in developing an atmosphere in which free discussion occurred and in which, given enough time, the participants did reach the conclusions that are the most valid ones in terms of the problems being considered. The following requirements are, in our estimation, necessary for such a program to be successful:

1. A staff must be assembled in which the selected officials have a great deal of confidence. Staff should be known to the elected officials and consist of people with whom the elected officials can react in a non-competitive way. Assurance of free and open discussions must be given to the elected officials. They should not fear that their discussions will be reported in the media and, indeed, such a process could not operate unless sessions private and deliberations were confidential. Further, the approach used must be a non-professorial one.

2. The scheduling of such a program will involve delays and dislocations. Such a program should not be run during the seasons in which politicians are involved in primary and general election campaigns. At such times, their major concerns will not be of necessity those pertaining to environmental planning which require extensive discussion and comtemplation and take away from day-to-day duties of administration and political activity. Delays in scheduling will occur and, indeed, the staff should plan on such delays. It is most important that the chief decision-maker for each community be involved. The sending of representatives is not an acceptable substitution. It is important that they be gathered together in a friedly atmosphere preferably in a location removed from their day-to-day activities and for a period of time not to be less than three full days for the process to be successful. Interruptions should be avoided during this session.

3. Obviously, a major requirement to replicate the process is the data and knowledge needed to interpret the status of the local environment. The staff presenting this knowledge and data must be very careful to avoid taking an activist's role in terms of environmental questions currently plaguing the particular communities.

4. Probably the most important requisite for success of such a program is faith on the part of the staff in the process approach, faith that given the right amount of time, intelligent people, and human nature, that deliberation and discussion will result in the consideration and, indeed, the adoption of programs and attitudes which will work toward the alleviation of whatever

problem is being considered, i.e., in this case the reduction of pressing environmental quality problems.

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APPENDIX A

SOLID WASTE IN NORTHWESTERN INDIANA

Solid Wastes and their Impact on the Environment:

Northwestern Indiana includes some of the world's most concentrated heavy industry and some of the world's prime agricultural land. Farming has become about as specialized as has the industry and each contributes its own unique set of solid wastes disposal problems. Of equal importance is the disposal problem of domestic solid wastes for the 750,000 people who live in the urban, suburban and rural areas of the region.

The United States Public Health Service defined solid wastes as follows: (1)

> "Solid wastes are those solid materials resulting from domestic, industrial, institutional, and agricultural activities that are deliberately discarded. Solid wastes cannot be regarded in the same sense as wastes discharged into air or water. Gaseous and liquid wastes are borne by the natural transport systems of the air and water currents. Solid wastes rarely mingle or disperse and remain, sometimes, indefinitely, at rest at the place of discard. "Solid waste" more nearly describes a physical state of matter and technology-plus a human attitude-rather than the material itself, and the word 'management' is equally unrevealing of the spectrum of activities involved. This spectrum includes sources and types of materials commonly known as solid wastes together with the types of hardware and subsystems associated with storage, collection, transportation, processing, salvage, and disposal."

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(1) Public Health Service Publication No. 2120, 1971 - U.S. Dept. of Health, Education and Welfare, P.H.S., Bureau of Community Environmental Management, P. 31

*Adapted from Northwest Consortium of Higher Education Environmental Quality Report; 1973.

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Solid waste disposal became a problem with urbanization, which concentrates waste; and the problem has been compounded by industrialization because mass production has greatly augmented the quantity and variety of debris. The subsistence farmer slopped his hogs and chickens, hauled the manure to the fields, chopped up the broken furniture for kindling, and either returned the old iron to the forge or just left it rust. Disposal of waste was built into the system. The city dweller must haul it away. Industrialization will not really come of age until it achieves feedback, until there is a reasonable reuse of resources beyond what is dictated by profit alone. But before this utopia arrives we have to settle with the debris that piles up in a limited space and becomes a nuisance. At this practical level the sanitary landfill has, today, become the center of attention.

The problems, quantities and health hazards associated with the present day accumulation and disposal of solid wastes are succinctly described by the United States Public Health Service as follows: (2)

> "The problems of solid wastes are those of an urbanized, industrialized society. They can be summarized under eight major headings: (1) sheer quantity of wastes; (2) unsatisfactory storage, collection and disposal methods; (3) menace of solid wastes to health; (4) assult on the environment: (5) indestructibility of many solid wastes; (6) expense of handling solid waste; (7) political jurisdictions and social attitudes in the urban-suburban complex; (8) the difficulty of gaining public support."

> "The traditional way of considering the solid waste problem has been in terms of the collection and disposal of wastes collected from households, principally as food wastes. Realistic emphasis on all sources of solid wastes (commercial, industrial, agricultural, and mineral, as well as residential) and on all types of solid wastes, is overcoming the garbage-can concept of the solid waste problem. It has now been estimated that the total amount of solid waste generated amounts to about 3,650 million tons per year, of which the major portions are agricultural and mineral wastes. Solid wastes of urban origin are being generated at approximately 10 pounds per

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> capita per day. Generation of industrial wastes has been estimated as equivalent to 3 pounds per capita per day. Solid wastes of agricultural origin are estimated as equivalent to 58 pounds per capita per day."
>
> "Public Health Service studies indicate that there is an association between poor solid waste practices and 22 human diseases. The rats and flies that infest dumps can and do carry disease throughout an area. The residues from burning dumps pollute the air and produce additional disease conditions. Chemicals from dumps reach into water supplies and may add waterborne disease."
>
> "These health hazards only occasionally result in the dramatic plagues of previous centuries. Usually they represent slow, cumulative impairment to health and life, involving traces of chemicals, low-level radiation, air pollution, drug residues, etc.
>
> Workers in solid waste collection and disposal programs are three times as susceptible to disease and nine times as vulnerable to accident as the general population."

Sources and Kinds of Solid Waste:

The seven counties of northwestern Indiana have 750 thousand people, some of the world's most concentrated industry, and some of the world's prime farmland. The agriculture practiced here is not subsistence farming but a specialized industry producing more waste than it recycles. The sources of solid waste, therefore, may be classified as agricultural, industrial, and domestic.

Agricultural waste consists of dead animals, crop waste, and manure, to the extent that these cannot be handled by natural scavengers or used for fertilizer. The concentrations that lead to disposal problems in this region come from food processing plants, cattle and hog feedlots, chicken farms, and truck farms. At the moment the waste from these sources is of greater concern to the general public as a cause of water pollution than as a solid wastes disposal problem. Larger industries tend to dispose

(2) Ibid. page 32-33

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of or recycle their own wastes, although some of it finds its way into the common depositories, and of course the methods used by industry are of interest to the general public. Sludge from sewage plants, fly ash from fossil fuel powered electric generating plants are other examples of incomplete disposal, leaving something to haul away. But our principal attention is focussed on the disposal of domestic wastes, the other two being somewhat tangential for the moment, though certainly of great concern requiring future study and planning. What kinds of solid wastes are there to be picked up? The classification in Table 1 is somewhat arbitrary, but the description illustrates the scope of the problem.

Table 1 - Classification of Solid Wastes

Garbage:	Corruptible waste from the preparation, sale and serving of food, from households, stores, restaurants, etc.
Rubbish:	a. Combustibles, such as paper products, wood, cloth, leather, rubber, leaves, and yard trimmings. b. Incombustibles, such as bottles, cans, foil, crockery, stone, brick, ashes.
Bulky waste:	Trees, appliances, furniture, tools, tires, etc.
Dead Animals:	Large and small
Abandoned vehicles:	Automobiles, trucks, farm and road equipment.
Construction waste:	Lumber, roofing, pipe, wire, insulation, demolition debris, etc.
Hazardous waste:	Explosive, radioactive, and toxic pathological material from schools, hospitals, industry, etc.
Industrial refuse:	Waste from food processing, cinders from boilers, scraps and shavings of wood, plasitc, metal, etc.
Agricultural Waste:	Manure and crop residue from feedlots, farms.
Sewage residue:	Screenings and sludge.

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A typical load of domestic refuse as represented in Table 2 sorts out as follows, using a somewhat different classification. (3)

Table 2 - Composition of Typical Domestic Garbage

Food Waste	10.13%
Garden Waste	5.25
Paper Products	60.33
Plastic, rubber, leather	1.96
Textiles	1.56
Wood	1.44
Metals	7.67
Glass and ceramics	5.07
Ash, rocks, dirt (inert)	6.57
	100.00 %

Three Methods of Solid Waste Disposal

Three methods of handling are currently employed in the disposal of solid wastes; incineration, recycling and land-filling. Incineration has been used with varying degrees of success throughout the country. It is an expensive process relative to land-filling and has a solid wastes product which must be removed to a landfill site. There is, at present, one incinerator in the study region, the facility in East Chicago, which may in the future, service several other northwestern Lake County communities. The interrelated air quality concerns of incineration in the heavily industrialized reaches of the northern part of the region may, along with the high costs of such a process, provide a deterrent to the construction and utilization of more such facilities.

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(3) Analysis of Solid Waste Composition, Carruth and Klee, U.S. Dept. of Health, Education and Welfare, 1969.

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Recycling should become an integral part of all processes dealing with wastes, whether they be liquid, gas or solid. The nation, and indeed, the world are beginning to recognize the finite nature of many material resources. Already dire predictions are being heard of resource depletion in the next century. Some recycling is occuring, however, on a practical basis, it is limited to industrial wastes or very specialized situations involving domestic wastes. Composting and recycling of paper from domestic solid wastes are some of the current examples of reuse and experimentation in making construction materials and energy fuels are examples of reuse. Experimentation in making construction materials and energy fuels are examples of possible reuses either under consideration or already occurring. At the moment, however, recycling stands more as a goal than a practical method of disposal for the next ten to twenty years. Any plans for management of solid wastes in northwest Indiana should include the flexibility needed to accept and encourage an ever-increasing degree of recycling or reuse of wastes.

The landfill is the focal point of solid wastes management for the present and immediate future. Many sites are more appropriately called "dumps", but, recent state laws, educational awareness and guidance by state and local agencies have resulted in the gradual closing of some dumps, renovation of other sites and establishment of new sanitary landfills.

The use of sanitary landfills dates back to 1916 in Great Britain, where the process is known as 'controlled tipping'. The method was adapted to American conditions at New York City, New York and Fresno, California, in the 1930's, but only a handful of communities experimented with the technique prior to World War II. Vincenz, who directed Fresno's early sanitary landfill efforts and coined the term 'sanitary landfill', modified

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the method for use by the U.S. Army. (4)

With the exception of the incinerator in East Chicago, the land is the first repository of solid waste in the seven counties of northwest Indiana. The immediate endeavor in the region is to comply with state standards for sanitary landfill, which require the following:

A. No open dumping.
B. Waste shall be spread on a slope of approximately 3:1 in uniform layers not to exceed two feet in depth prior to compaction.
C. Daily compaction with a cover of at least six inches of dirt.
D. Avoidance of ground water and air contamination.
E. Control of blowing.
F. Prohibition of salvaging.
G. All-weather access and dependable operation.

Further recommendations are the publication of open times, fees, and materials accepted. There should be an attendant present at all times of access, facilities for measuring the loads, suitable employee shelter with telephone or radio communication, facilities for maintaining the equipment, fire protection, vermin control, first-aid instruction and supplies, drainage to prevent erosion and operational plans and records.

Landfill Conditions in the Seven Counties

The 1970 study by the Lake-Porter County Regional Transportation and Planning Commission gives a somewhat dated but thorough account of solid waste practices in those two counties. One conclusion of the study was that hauling in that area was adequate, but that the disposal sites were nearly all below standard. Since open dumping became illegal in 1971, it is evident that the general effort to meet the terms of the law is causing such a rapid change in the situation that information gathered today will be mostly of historical interest soon after it is assembled. Nevertheless a

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(4) A Review of Sanitary Landfilling Practices in the United States, R.J. Black, Reprint from Proceedings, 3rd Int. Congress, International Research Group on Refuse Disposal, Trento, Italy, 1965.

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brief summary of the landfill practices in the seven counties provides a useful perspective. A more detailed summary comprises Appendix I: Open Dump and Sanitary Landfill Information.

Jasper County. The 1968 survey by the State Board of Health found six disposal sites, all open dumps, operated for communities rather than the County. In July of 1969 the County Commissioners passed an ordinance making it illegal to deposit refuse anywhere but in an approved landfill. As of November 1971 there were two sanitary landfills, one near DeMotte and the other six miles southeast of Rensselaer. Only one open dump remains in operation.

Lake County. The Lake-Porter report showed twelve sites in 1969, all open dumps. The County Board of Health has no jurisdiction in Gary, Hammond, and East Chicago, where four of the dumps were situated.

LaPorte County. There were seven sites in 1968, one a sanitary landfill in Michigan City. Another sanitary landfill was approved in August, 1971, at a site ½ mile east of the LaPorte-Porter County line.

Newton County. There were three dumps, in Morocco, Brook, and Enos, and the County spent $30,000 a year for their operation. Kentland and Goodland sent waste to Jasper County dumps. Two sites are closed or closing, while the site at Enos has been approved by the State since it is quite isolated. There have been meetings and proposals for landfills.

Porter County. There are three approved landfills in operation and a fourth has been approved. The open dumps have been discontinued, but there may be some illegal dumping.

Pulaski County. In 1968 there were five dumps. (All of which are now closed.) On August 7, 1970, a sanitary landfill site received State approval.

Starke County. In 1968 there were five sites. They have since been closed. Refuse from Knox is taken to Burr Oak landfill in Marshall County.

Automobiles

In 1965 about seven million motor vehicles were junked in the United States. With the lower demand for scrap steel since the introduction of the basic oxygen process, junked cars are now more in evidence. In 1965 a national sampling of the visible ones had the following distribution:

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Table 3 - Location of Junked Cars

Auto wrecking yards	73%
Scrap processing yards	6
Auto graveyards	3
Abandoned	18
Total	100%

The same survey included reports on four rural Indiana counties; Jasper, Newton, Pulaski, and Starke. Fourteen wreckers were interviewed, all of whom had used parts for sale and sold scrap. They had 2646 vehicles on hand, of which about half had been transported by the wreckers, the rest by auto dealers or individuals. About twice a year a processor from Michigan City came with equipment for cutting, loading and hauling them away. Most of the wreckers claimed a loss in hulk disposal. Besides these 2646 vehicles, there were 1370 others in 72 graveyards in rural environs.

(The Future of) Sanitary Landfilling as the Major Solid Wastes Disposal Mechanism in this Region

In the foreseeable future sanitary landfills will be a major part of any system of solid wastes disposal in northwest Indiana. This is a region of considerable open space some of which is suitable for the development of sanitary landfills, however, a considerable part of the area has moderate to severe limitations for surface refuse disposal sites.

Both the Soil Conservation Service and the Indiana Geological Survey have examined areas in northwestern Indiana to determine which areas are suitable for the development of sanitary landfills. The Indiana Geological Survey considers the most important geologic requirements for location of a sanitary landfill site to be:

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1. The base of a proposed landfill should be in relatively fine-grained material and more than 20 to 30 feet above the shallowest aquifer. Sites should not be located in abandoned sand and gravel pits or limestone quarries for this reason.
2. The base of a proposed landfill should be above the highest seasonal level of the water table.
3. A proposed site should not be subject to flooding. Sites should not be located on river floodplaines for this reason.
4. Adequate medium-textured cover material must be available near a proposed site.

"More detailed geologic and groundwater data regarding particular areas and regarding these suggested requirements are available from the Indiana Geological Survey and the Division of Water of the Department of Natural Resources (see "Sources of Information") and should be sought prior to detailed planning. Individual site examination by qualified geologists, soil scientists, and soils engineers, possible including an exploratory drilling program, and approval by the State Board of Health are necessary. (5)

Figure 1. illustrates in a most general way the suitability of areas for land disposal in this region as determined by the Indiana Geological Survey. It is a very generalized map and indicates acceptable earth materials and drainage conditions in the northern parts of Lake, Porter and La-Porte Counties and the southern parts of Newton and Jasper Counties. It does not reflect the presence of permeable sands and high water table as well as frequent flood plain conditions in the northernmost parts of Lake, Porter and LaPorte Counties, the areas of heaviest industrial concentration and population density and hence, those areas with the most pressing problems of sanitary landfill location.

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(5) Bleuer, N.K., 1970, Geologic considerations in planning solid waste disposal site in Indiana, Environmental Study 1, Special report 5, Indiana Geological Survey, P. 7.

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The Soil Conservation Service has studied in detail the soil conditions relating to sanitary landfill site location in Lake and Porter Counties. Similar studies are needed in the other counties of the region and can be performed by this agency. The basic information comes from soil surveys many of which are complete or in progress for each of the counties of the region.

The study for Lake and Porter Counties considers the ten soil associations, or kinds of soil patterns, shown in figure 2, the generalized soils map (6). The areas are named for the major soil series in them, though other soils may be present. Each of these associations has distinctive patterns of soils and the soil differences are important in determining their suitability for sanitary landfill site location. Appendix II lists these soil associations and their suitability for sanitary landfills. Three categories are used to explain limitations for sanitary landfill use: (7)

slight - relatively free of limitations or limitations are easily overcome

1. Well drained, no water table within four feet from surface.
2. Medium-textures glacial till
3. Slopes 0 - 18 percent

moderate - limitations need to be recognized, but can be overcome with good management and careful design

1. Somewhat poorly drained, seasonal water table 1-4 feet from surface.
2. Moderately fine textured glacial till and lacustrine material
3. Slopes 0 - 18 percent

severe - limitations are severe enough to make use questionable

1. Poorly drained, seasonal water table 0 - 1 feet from surface and subject to ponding.
2. Coarse and moderately coarse textured glacial outwash
3. Slopes over 18 percent.

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(6) General Soil Map - A guide for determining limitation for sanitary landfills, 1971, Soil Conservation Service - unpublished report to Lake-Porter County Regional Transportation and Planning Commission.

(7) Ibid - page 2

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The soils interpretations in figure 2 reveal no large or extensive areas of completely acceptable terrain for sanitary landfill location. They do indicate however, that the northern and southern thirds of these two counties have severe limitations while the central area of the Valparaiso moraine has some areas of limited and some areas of moderate to severe limitations for surface disposal site location. From these data, both soils and geology, it can be concluded that only the high, well-drained, clay-rich earth materials are suitable for landfill sites and even these need careful design and good management. Sufficient satisfactory sites, however, are available.

These suitable areas are prime sites for suburban development and the competition for land use will require educating the public to the need for reserving landfill sites. Because of the proximity to residential development of such new landfills, great care will be needed in the design of these facilities. Probably most important will be the need to insure proper management during and after the use of these sites as sanitary landfills.

A review of the population distribution in the seven counties quickly reveals that the great bulk of the populus resides in the northern part of Lake County where landfill conditions are severe. In this region sand pits are frequently used as dump sites. They possess many conditions unfavorable for such use and can only be used conditionally. Use must be predicated on the following conditions:

1. Well systems or pumps to lower water table.
2. Lining the sides of pits with clay mined from the base of the pit.
3. Mixing of clay and sand for daily and final cover.
4. Drain tiles and treatment of leachate and discharge to sewers leading to treatment plants.

Such operating conditions can serve as an interim control and allow use of some sand mines until such time as more satisfactory sites to the south

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in the Valparaiso moraine are acquired and developed. The major problems involved in such a transition are socio-economic and not physical and will be discussed below under management of solid wastes disposal.

The problems associated with solid wastes disposal in sand mines dug in poorly drained permeable soils may not be restricted to northern Lake County. As the population grows and shifts into the Kankakee River Valley, industrialization and suburbanization of these sandy, poorly drained terrains with severe landfill limitations will occur. Locating solid wastes disposal sites in this area in the near future should be avoided and the need recognized to transfer these wastes to the morainal areas both north and south of this broad plain where limitations are limited or moderate and proper design and management can insure environmental quality.

In conclusion, sanitary landfills are the probable method of solid wastes disposal to be most utilized in northwestern Indiana over the next twenty years. No areas exist without some limitations for their development, but with careful design and good management solid wastes can be disposed of and environmental quality assured.

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Management of Solid Wastes

Much of the problem of solid wastes management derives from the difficulties encountered by those concerned in developing a concerted effort to apply known technology, systems and organizational know-how to its solution. The solution to the solid wastes problems in northwest Indiana is unlikely to come from any massive breakthrough in technology that will obliterate the wide range of problems associated with solid wastes. More likely, it will come as the result of systematic efforts that solve one problem at a time while recognizing the interrelatedness of these problems. What is suggested here is the systems approach to planning and management.

Although the principles of this approach are simple, a systematic analysis of the total solid wastes problem is exceedingly complex. The proper management of a solid wastes system is dependent upon the input from a number of disciplines. Legal, social, economic-marketing and engineering considerations all place constraints upon the free functioning of the system. Solutions based purely on economic and engineering considerations often will not meet the criteria for public, political or environmental acceptance.

Both the qualitative and quantitative data necessary to do this detailed of a study and the follow up planning is beyond the scope of this report. It is generally accepted however, that the problem of solid wastes disposal in northwest Indiana is most critical in Lake County. Decision makers and the public must be provided with sufficient guidance to seek interim solutions pending the completion of a more detailed planning effort by the Lake-Porter County Regional Transportation and Planning Commission. At that time it is hoped that the findings of a plan will be implemented which will eventually lead to an integrated regional disposal system in northwest Indiana functioning at maximum state-of-the-art efficiency through the application of

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technology, economic analysis and operations research. In the meantime this report will address itself to the immediate problem of disposal.

Findings

From the preceeding discussion in this report several aspects of the solid wastes problem are evident:

1. The urban generated fraction of the solid wastes management problem requires the most urgent attention because it directly and adversely affects the most people.
2. Collection appears to be adequately handled; disposal is inadequate.
3. With the exception of Lake County, the immediate disposal problem is, or soon will be under control.
4. Open dumps are the prevailing method of disposal in Lake County.
5. Open dumping is not an acceptable practice and has been illegal in Indiana since Jan. 1, 1971.
6. The least expensive acceptable method of disposal is the sanitary landfill. (this is predicated upon the availability of satisfactory sites within reasonable distance from the origin of the wastes. With the use of transfer stations, a rule of thumb figure indicates 15 to 20 miles as the outer limit).
7. Satisfactory locations within the urbanized northern portion of Lake County are severely limited.
8. Suitable sites within the range of economic feasibility are available as indicated in Figure
9. The criteria for acceptable sanitary landfill practices may be met in soils with severe limitations by the application of appropriate engineering techniques (i.e., lining of area with clay or an impermeable

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barrier to prevent leachate flow, well systems to lower water tables etc.)

10. A cost analysis will indicate what combination of disposal site type, in points 8 or 9 above are the most effective economically.

11. Whichever combination is chosen, it will undoubtedly cost more than current practice.

Discussion

The solid wastes subcommittee of the Environmental Task Force found that there is much need for improvements in the management of solid wastes disposal systems. There are individual systems both public and private that indeed are very well managed. However, they represent a minor fraction of both the total number of systems and of the total wastes generated.

As has already been pointed out, the organization for solid wastes management in the metropolitan areas of Lake County leaves much to be desired. Political fragmentation, to date, has prevented the implementation of effective management practices. Item 11 under Findings indicates that any change from current disposal practice will result in increased costs. It is apparent from the taxpayers view that to minimize this additional cost increment while at the same time meeting environmental quality standards will require an institutional structure that could bring increased order, efficiency and economy in the field of solid wastes management. What is suggested for consideration is the concept of a public utility or authority applied to solid wastes.

Such an area-wide organization could solve the problem of political fragmentation in that it could cross political boundries and organize service on an efficient and economical basis. It could attract personnel who understand and can apply modern management techniques. Policies for such a utility would be established through the political process but operations

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would rest with qualified professional managers. Such a utility capable of regional or inter-governmental co-ordination will accrue benefits through savings in public expenditures by:

1. Avoiding duplication of service
2. Reducing unit costs by spreading expenditures over more users of the services.
3. Providing better overall planning and managing for both short and long term results.
4. Open the way for rapid innovation and the influx of private capital into the field.
5. Provide new fiscal and administrative mechanisms needed to take advantage of emerging technological developments in the area of recycling.

The area wide solution to solid wastes disposal requiring intergovernmental cooperation, although new to northwest Indiana has already proved successful in other parts of the country. Orange and Los Angeles Counties, California provide and maintain sanitary landfill sites for their municipalities. In addition, they provide transfer stations and trucks to receive and transport refuse collected in the municipalities (collection remains a local government function). Bergen County, New Jersey provides garbage disposal sites for private collectors serving 56 of the 70 towns in the county.

In Bucks, Chester, Delaware and Montgomery Counties, Pennsylvania surrounding Philadelphia, 41 municipalities participate in 15 agreements for refuse disposal. Ten of these agreements are for sanitary landfills which serve 33 of the municipalities. The other agreements provide incineration facilities for eight municipalities.

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Rochester, New York makes its three municipal incinerators available to surrounding towns on a contract basis. Binghamton, New York, with incinerator capacity in excess of its present needs, also offers its use to neighboring communities.

Legal

The legal authority provided by the State of Indiana for solid wastes management is in the form of several laws, the most significant of which is the Refuse Disposal Act (Chapter 359, Acts of 1969, which amends Chapter 355, Acts of 1965).

Summary of Indiana Legislation

Chapter 359, Acts of 1969 (IC 19-2-1-31)

Chapter 359, Acts of 1969, is the most recent and all encompassing law dealing with the disposal of solid wastes. In addition to authorizing contracts between cities, towns and counties for both collecting and disposing of solid wastes, it declares open dumps to be inimical to the public health and makes them illegal after Januaryl, 1971.

The contract provision of the law authorizes any city, town, or county constructing, acquiring, or maintaining refuse collection and disposal facilities for any term not exceeding 25 years. The contract must be approved by ordinance or resolution by the governing body of each of the participants and by the State Board of Health.

Refuse Disposal Facilities - IC 1971, 19-2-6

Authorizes cities and towns to establish and maintain facilities for the collection and disposal of refuse; to contract with other governmental agencies or private contractors for the collection or disposal of refuse; to secure the collection and disposal of refuse accumulated within or without

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the corporate limits of such municipality or county wherein said municipality is located and to issue revenue bonds to pay in whole or in part the cost of such facilities. Authorizes reasonable service charges. In executing any or all of the powers and duties, as aforesaid, such cities and towns may do so either directly or by contract with other governmental agencies or private contractors.

Refuse Disposal, Marion County - IC 1971, 19-2-24

Concerns the collection and disposal of garbage and wastes in all counties wherein is situated a city of the first class having a department of public sanitation. Authorization is given to the common council of such city to enact ordinances to control and regulate the disposal of refuse in any area not exceeding ten miles from the corporate limits of such city or the limits of the county in which such city is located.

Power of Cities, Towns and Sanitation Districts - Chapter 171, Acts of 1969 IC 19-2-6

Chapter 171, Acts of 1969, authorizes the Board of any city, town, sanitation district, or any other agency of municipal government to contract with other governmental agencies or private contractors for the collection and disposal of refuse.

Power to Establish Regional Water, Sewage, and Solid Waste Districts - Chapter 244, Acts of 1969 IC 19-3-1

Chapter 244, Acts of 1969, authorizes any area situated in any unincorporated area of one or more contiguous counties or in one or more municipal corporations, or both, or organize as a regional water, sewage, and solid waste district. Once established, the district can provide any or all of the services mentioned above. The definition of solid waste includes abandoned scrap and car bodies.

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The district can be initiated by a signed petition of one or more municipal corporations, one or more counties, one or more townships, or by any combination of them after having been authorized by the legislative authority of the subdivision. The legislative authority of any of these subdivisions may also act on behalf of any part of their respective subdivisions. The petition should be filed with the office of the clerk of the circuit court of one of the counties, all or part of which lies within the proposed district. The court is authorized to hold hearings and, after disposing of any objections, shall declare the district to be a political subdivision with all the general powers of a political subdivision. The right to issue bonds and establish rates is subject to the approval and regulation of the Indiana Public Service Commission.

The district is authorized to expand its functions to include all those authorized by law to contract for the operation by it of any such works owned, leased, or held by another, whether public or private; to merge or combine with any other district; and to construct jointly any works it is authorized by law to construct with any other political subdivision. Finally, the board of trustees of the district may enter into contracts with the United States Government or any of its departments, the State Government of Indiana or other states, and with drainage, conservation, conservancy, sewer, park or other improvement districts in this State or other states for cooperation or assistance in planning, constructing, maintaining, using, and operating the works of the district. Effective date of this law is July 1, 1970.

County Dumps - Burns 26-646, Acts 1953, C. 20 IC 17-2-24-1

County commissioners can establish, maintain, and operate county dumps and all other works and appurtenances connected therewith for the disposal in a sanitary manner of domestic and industrial wastes, trash, and refuse.

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Monies appropriated by the county council may be used for the acquisition, operation, and maintenance of the premises, including the employment of operators and for necessary vehicles and equipment.

Interlocal Cooperation of Public Agencies - IC 1971, 18-5-1

Permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other agencies on factors influencing the needs and development of local communities; provides for the appropriation of funds for operation of the joint or cooperative undertaking.

Litter Control - PL 193, 1971 Indiana General Assembly

Amends IC 1971, 14-3-11, as it relates to penalties for the unlawful disposal of refuse. IC 1971, 14-3-11, makes it unlawful to dispose of refuse within the limits of or adjacent to any public highway, state park, or recreation area, or in or adjacent to any lake or stream. Provides for enforcement by peace officers and conservation officers of the Department of Natural Resources.

APPENDIX B

ENVIRONMENTAL MANAGEMENT BOARD REPORT

The General Assembly of the State of Indiana during their last session enacted legislation creating the Indiana Environmental Management Board.

Members of the Board shall be appointed by the Governor for four year terms after the initial terms which shall be staggered.

The Secretary of the Indiana State Board of Health, the Director of the Department of Natural Resources, the Director of the Division of Planning of the State, and the Chairman of the respective Air and Stream pollution Control Boards shall serve as ex-officio members of the Board. The remaining six members of the Board appointed by the Governor shall consist of two representatives of the public at large, one of whom shall serve an initial term of one year, (Mrs. Rust of Mt Vernon, Indiana) the other an initial term of two years (Dr. John Christian of West Lafayette, one representative of Municipal Government whose initial term shall be for two years (Mayor Collins), one representative of agriculture whose initial term shall be for three years (Merrill Ferris of Milton), one representative of Labor whose initial term shall be for four years (John Norris, Indianapolis), and one representative of industrial management whose initial term shall be for four years (Dr. John Vaugh of Indianapolis). The Assistant State Health Commissioner for Environmental Health shall serve as technical secretary to the Board.

The Board shall meet at least once every two months and is enpowered to adopt rules for its own governance including annual election of a chairman and one or more vice-chairman. Mrs. Rust was elected as our chairman for the remainder of the calendar year of 1972 at our initial meeting, and Merrill Ferris as vice-chairman.

It shall be the duty of the Board to:

A. Evolve and keep constantly updated a comprehensive, long term program for the State for the development and control of the environment to ensure for the present and future generations the best possible air, water and land quality;

B. Evolve standards and develop regulations and adopt the same to preserve, protect and enhance the quality of the environment, to assure the accomplishment of the comprehensive long term program; and procure compliance with its standards and regulations;

C. Conduct a program of continuing surveillance and inspection of refuse disposal sites, public water supplies, actual or threatened sources of environmental pollution by contamination, radiation, ordor or noise; and

D. Encourage and assist local units of government in developing programs and facilities for air, water, radiation, odor and noise pollution control, water or waste water treatment, water resource development, and solid waste disposal.

The Board shall annually submit a written report of its activities to the Governor. All of the powers and duties now vested in the State Board of Health under the Refuse Disposal Act, the Waste Water Treatment Control Act, the Water Resources Research Act, and the Sanitary Water Supply Act are transferred to the newly created Environmental Management Board.

The new Management Board may at any time by resolution transfer any duties or powers vested in its agencies such as the Stream Pollution Control Board and The Air Pollution Control Board; however, for the present these groups shall continue to exercise all powers and perform all duties now imposed upon them in the same manner as prior to the enactment of legislation creating the Environmental Management Board.

The Board by resolution may delegate the performance of particular functions, such as the conduct of hearings, to an agency or designated individuals.

Any procedure, regulation or standard adopted by the Stream and Air Pollution Control Board shall be approved by the Environmental Management Board before the same shall become effective.

Any person proposing to construct a nuclear powered generating facility or nuclear fuel reprocessing plant shall file with the technical secretary of the Board an environmental feasibility report concurrently with the filing of the preliminary safety analysis required by the U.S. Atomic Energy Commission. Public hearings may be conducted by the Board relative to such a proposal.

Regarding permits for facilities, the Board may establish requirements for permits for the construction, installation or modification of facilities equipment or devices for public water supply, control of water pollution, air pollution, garbage disposal, refuse disposal, noise and atomic radiation. A public hearing may be held before a permit is issued. Permits for the operation of the aforementioned facilities may be conditioned on standards of any emission from said facilities into the air or water.

If at any time the technical secretary of the Board concludes that contamination of the air, water or land in any area reaches a point where it constitutes a clear and present danger to health and safety of persons in the area, such determination shall be communicated to the Governor who may declare an emergency and order an immediate discontinuance of the emission of contaminants. Any person who violates the provisions of this article is liable to a penalty not to exceed $10,000 for the first day of violation and an additional $1,000 for each day of continuing violation.

FINAL DRAFT

Revised 1/29/73
Revised 2/8/73

APPENDIX C

INDIANA SOLID WASTE MANAGEMENT AUTHORITY ACT

January 1973

Michael I. Swygert

FINAL DRAFT

INDIANA SOLID WASTE MANAGEMENT AUTHORITY ACT

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FINAL DRAFT

INDIANA SOLID WASTE MANAGEMENT AUTHORITY ACT

An Act authorizing the establishment of county-wide, and multiple county-wide solid waste managment authorities to develop, implement, administer and supervise solid waste disposal and resource recovery systems on a regional basis in a safe, efficient, scientific, and economical manner.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA:

Sec. 1 SHORT TITLE AND APPLICABILITY

(a) This Act shall be known and may be cited as the "Indiana Solid Waste Management Authority Act of 1973".

(b) It is the declared intent of the General Assembly in the enactment of this legislation to provide a method for local governmental units to create a solid waste management authority in a county or counties which are adjoining and contiguous, PROVIDED THAT if an Authority is created in a single county, that such county has a population of not less than five hundred thousand (500,000) and not more than six hundred thousand (600,000) according to the last federal decennial census, AND PROVIDED FURTHER, that if an Authority is created in adjoining and contiguous counties, that such counties have a combined population of not less than five hundred fifty thousand (550,000) and not more than seven hundred thousand (700,000) according to the last preceding federal decennial census.

Sec. 2 DECLARATION OF POLICY

(a) It is hereby declared and determined as legislative findings that:

(1) Inadequate solid waste collection and disposal practices create public health hazards, environmental pollution, and economic loss including the diminution of property values within the State;

(2) Cities and towns are finding it increasingly difficult to furnish adequate, safe, and economic disposal services due in part to the scarcity of suitable

land for sanitary landfills;

(3) The managerial and technical capabilities, and the efficiency and competitive nature of private enterprise are particularly useful in accomplishing the objectives of solid waste collection, disposal, and resource recovery programs.

(4) Solid waste management has evolved into a highly technical science requiring trained specialists to develop, implement, and administer "solid waste" programs in a systems fashion.

(5) Local, multi-purpose units of governmentare often not financially, technically or administratively able to adequately develop, implement, maintain, supervise and operate comprehensive solid waste disposal and resource recovery programs.

(6) Remaining open dumps are inimical to human health and the mandate to cease operating and/or depositing refuse into open dumps as prescribed in the 1969 Indiana Refuse Disposal Act is hereby reaffirmed.

(7) Resource recovery will conserve the State's and Nation's resources and is thereby in the public interest and, consequently, solid waste resource recovery systems to the extent such systems are technically and economically feasible are preferred to solid waste disposal systems.

(8) Intergovernmental cooperation and planning are essential for the development of effective solid waste collection, disposal and resource recovery systems.

(9) Solid waste collection services should remain an obligation and service of local governmental units whenever technically and economically feasible.

(10) Solid waste disposal and/or resource recovery services in certain areas of the State can best be performed by a county-wide, or multiple county-wide special purpose authority, which authority can relieve local governmental units of the burden of solid waste disposal and/or resource recovery.

Sec. 3 PURPOSE

Because of the legislative findings set out in Section 2 of this Act, it is hereby declared to be the purpose of this Act to:

(1) Authorize the establishment (in the manner provided in Section 6 of this Act) of a county-wide or multiple county-wide solid waste management authority or authorities to have the primary responsibility for the implementation, administration, and supervision of solid waste disposal and/or resource recovery services.

(2) Encourage and permit local governmental units to render or to continue to contract for the rendition of solid waste collection services.

(3) Expand solid waste collection services in areas where such services have not been or are not at the time of an Authority's implementation hereunder being provided by authorizing any solid waste management authority established pursuant to this Act to collect or to contract for the collection of solid waste as the Authority deems appropriate.

(4) Require permits to be issued by the Authority or by the State or subdivision thereof to any local governmental unit, person or public utility to operate, contract to operate, or lease any solid waste disposal facility, resource recovery facility, solid waste disposal site, or any combination thereof, or to conduct salvaging operations.

Sec. 4 DEFINITIONS

(a) The following words and phrases used in this Act shall have the following meanings ascribed to them unless the context clearly indicates otherwise:

(1) "Act" means the Act of 1973 Chapter ____, known as the "Indiana Solid Waste Management Authority Act of 1973".

(2) "Agricultural Waste" means solid waste resulting from the production of farm or agricultural products.

(3) "Acquire" shall mean any method of receiving, including but not limited to purchase, exchange, gift, grant, devise, bequest, lease, and the exercise of the power of eminent domain.

(4) "Authority" means the Solid Waste Management Authority or Authorities created pursuant to this Act, the proper name and style for which is provided in Section 5 of this Act.

(5) "Board" means the board of directors of the Authority as provided for in Section 9 of this Act.

(6) "Bulky Waste" means large items of refuse including but not limited to appliances, furniture, large auto parts, trees, branches, stumps, apparatus, machines and agricultural and industrial equipment.

(7) "Capital Costs" include all costs and expenses incurred by an Authority in acquiring land or any interest in land or machinery and equipment such as incinerators, etc., and shall include the purchase or lease price together with finance or interest charges if any. Capital costs also shall include all construction costs incurred in the construction of machinery and/or equipment, buildings, fixtures, and shall include all labor expenses, contract fees and costs of supplies in relation thereto; and also shall include any debt retirement obligation incurred for capital additions or acquisitions by the Authority.

(8) "Cell" means compacted refuse completely enclosed by cover material.

(9) "City" shall include town.

(10) "City Council" shall include town council.

(11) "Commercial Waste" means all solid wastes emanating from business establishments, including but not limited to stores, warehouses, markets, office buildings, restaurants, fast food establishments, shopping centers and theatres.

(12) "Composting" means the process in which solid waste is shredded or ground and then biologically decomposed under controlled anaerobic and/or aerobic conditions to yield a humas-like substance which can be used as a soil conditioner, and is a method of solid waste disposal and resource recovery.

(13) "Construction and Demolition Waste" means waste building materials and rubble resulting from construction, remodeling, repair and demolition operations of houses, commercial buildings, other structures and pavement.

(14) "County" means any County located within the State of Indiana.

(15) "Disposal Site" means any location which is intended to function as the site for the final deposit of solid wastes, such as sanitary landfills, resource recovery facilities, composting facilities and grinding facilities, but is not limited to these locations.

(16) "Domestic Waste" means solid wastes which normally originate in residential households or residential apartments or condominiums and the like and which generally is comprised of garbage and refuse.

(17) "Garbage" means solid wastes resulting from animal, grain, fruit or vegetable matter used or intended for use as food.

(18) "Governmental Unit" means a city, town, township, county, state, authority, district, or any subdivision thereof, or any other taxing unit, and includes "local" governmental units as defined in this Section.

(19) "Hazardous Waste" means solid wastes having inherent dangers to public health, including but not limited to toxic chemicals, explosives, pathogenic wastes and radioactive materials.

(20) "Incineration" means a solid waste disposal technique of burning combustible wastes leaving an inert residue.

(21) "Industrial Waste" means all solid wastes resulting from manufacturing and industrial processes.

(22) "Institutional Waste" means all solid wastes emanating from institutions such as hospitals, schools and universities.

(23) "Local Governmental Unit" means a city, town, county, or local taxing district, or other municipal body, but does not include the state or federal governments.

(24) "Outlying Rural Area" means that geographic portion of a county not contained within the three largest cities, nor within the Outlying Urbanized Area of such county.

(25) "Outlying Urbanized Area" means that geographic portion of a county within the "Urbanized Area", but does not include the area within any city which is the largest, second largest and third largest city within such county.

(26) "Open Dump" means a solid waste land disposal site which lacks proper management and which is not operated with compaction and cover.

(27) "Operating Expenses" include all managerial, administrative, financial, maintenance, and operational costs and expenses incurred by the Authority in carrying out its duties and responsibilities under this Act, but does not include "Capital Costs" as defined in this Section.

(28) "Person" means and includes natural persons, individuals, partnerships, firms, associations, corporations, and institutions, but does not include governmental units, local governmental units, or public utilities.

(29) "Planning" means all steps necessary to anticipate and prepare for the rendition of adequate solid waste management services, and includes all types of information gathering, surveys, and research and assessment activities, and a "planning duty" includes the right to expend such funds and hire such personnel as may be necessary to carry out the qualified planning duty as prescribed in Section 8 (1) (a) of this Act.

(30) "Premise Storage Locations" means those locations where solid wastes

are initially placed or stored awaiting collection.

(31) "Property" means any interest in real or personal property as the context indicates.

(32) "Public Utility" means a public utility as defined in the Indiana Public Service Commission Act of 1913 as subsequently amended from time to time.

(33) "Processing" means any technology, method, or technique applied for the purpose of reducing the bulk or otherwise changing characteristics of solid waste materials and includes any technology, method or technique designed to convert part of all of the waste materials for reuse which is denoted as "Resource Recovery" throughout this Act.

(34) "Refuse" means all solid wastes which are discarded.

(35) "Residue" means all solid materials such as ash, ceramics, glass and metal remaining after incineration of solid waste materials.

(36) "Rubbish" means all solid wastes except garbage and other decomposable matter.

(37) "Salvaging" means the authorized and controlled removal of material from a solid waste processing or disposal site for which a permit is required.

(38) "Sanitary Landfill" means a land site on which engineering principles are utilized to bury deposits of solid wastes without creating public health or safety hazards, or nuisances, which generally involve compacting and soil covering of wastes deposited and buried into cells.

(39) "Scavenging" means the unauthorized removal of material from a solid waste processing, disposal and/or resource recovery site.

(40) "Sewage Treatment Residue" means coarse screenings, grit, and sludge from sewage treatment plants, municipal, private and industrial, as well as pumpings of septic tank sludges which require disposal with solid wastes.

(41) "Solid Waste" means construction and demolition wastes, garbage, refuse, bulky waste, hazardous waste, residue, rubbish, and other discarded materials emanating from residential, industrial, commercial, municipal, institutional, agricultural or governmental sources and any combination thereof.

(42) "Solid Waste Management System" means the entire process of premise storage, collection, transfer, intermediate storage, transportation, processing, resource recovery and/or disposal of solid wastes and includes the planning and development of the system.

(43) "Solid Waste Collection Services" means that segment of a solid waste management system comprised of premise storage, and collection and transportation of solid wastes to a solid waste disposal and/or resource recovery facility or site, or to a solid waste transfer station.

(44) "Solid Waste Disposal Services" means that segment of a solid waste management system comprised of all transportation, transfer, processing, disposal and resource recovery of solid wastes not included in "Solid Waste Collection Services" as defined in this Section.

(45) "Solid Waste Disposal Facility" means any facility which meets State Board of Health requirements and which has been approved by the State Board as required by Section 3 of the Indiana Refuse Disposal Act, (Chapter 355, Acts of 1965, as Amended by Chapter 359, Acts of 1969), as may be amended from time to time, and includes sanitary landfill, incinerator, composting facility, garbage grinding facility, or any other method suitable for refuse disposal.

(46) "Solid Waste Resource Recovery Facility" means any facility which has been approved by the State Board of Health as a suitable refuse disposal facility and which facility processes materials in such a manner as to re-

cover a part of all of the processed materials for possible utilization by industrial, commercial, governmental, agricultural, institutional, or individual users.

(47) "Solid Waste Collection Facility" means any machinery or equipment, such as containers, trucks, tractors, trailers, vehicles, compacting units or other facilities and equipment needed and used in premise storage, collection, transportation and transfer of solid wastes.

(48) "Transfer Station" means a solid waste disposal facility, stationary or mobile, used as an adjunct to solid waste route collection vehicles, and may include compaction, recompaction, shredding or grinding units, the purpose of which transfer station is to reduce solid waste hauling costs and to add flexibility to solid waste management systems by transferring waste materials from smaller vehicles to larger ones or to larger storage facilities, and to allow pick up and transfer of solid wastes from local governmental units to an Authority, its agents, franchisees, licensees or contractors.

(49) "Urbanized Area" means an urbanized area as defined and delineated by the Bureau of the Census, United States Government from time to time.

(b) Throughout this Act, unless the context indicates otherwise, the singular shall include the plural, and the masculine pronoun shall include the feminine.

Sec. 5 AUTHORIZATION OF THE AUTHORITY

(1) There is hereby authorized to be created in each county which shall give local approval in the manner prescribed in Section 6 of this Act, a distinct municipal corporation to be known by the name of ________________ (here insert the name of such county) Solid Waste Management Authority.

(2) If two or more continguous counties shall give local approval in the

manner prescribed in Section 6 of this Act, simultaneously or at different times, all such continguous counties are hereby joined in one district municipal corporation to be known by the name and in the style of ______________ ____________________ (here insert the names of such counties) Solid Waste Management Authority.

(3) The geographic boundaries of any Authority created pursuant to the provisions of this Act shall be conterminous with the geographic boundaries of such county or continguous counties which comprise such Authority.

Sec. 6 LOCAL IMPLEMENTATION

(1) Local approval necessary for the establishment of a Solid Waste Management Authority shall be deemed given within a county upon the happening of any four (4) of the six (6) events listed below:

(a) After recommendation by the mayor of the largest city by population within such county, the enactment by such city council of an ordinance declaring that the application of this Act in such city is in the public interest;

(b) After recommendation by the mayor of the second largest city by population within such county, the enactment by such city council of an ordinance declaring that the application of this Act in such city is in the public interest;

(c) After recommendation by the mayor of the third largest city by population within such county, the enactment by such city council of an ordinance declaring that the application of this Act in such city is in the public interest;

(d) The enactment by the county commissioners of an ordinance declaring that the application of this Act in such county is in the public interest;

(e) The enactment of ordinances by member governmental units of the Outlying Urbanized Area Solid Waste Governmental Council that the application of this Act is in the interest of the public within the territorial jurisdiction of such indemnities, respectfully, such that there is a majority of votes of the Outlying Urbanized Area Solid Waste Governmental Council (computed pursuant to Section 11) the members of which have enacted such ordinances;

(f) The enactment by the county council of an ordinance declaring that the application of this Act in such county is in the public interest.

(2) All such governmental units above enumerated are hereby authorized and empowered to enact such ordinances upon a finding that such is in the public interest, and the mayors, as aforesaid, are hereby authorized and empowered to make such recommendations.

(3) At such time as any four (4) events of the above six (6) have occurred within a county, a Solid Waste Management Authority is created as authorized by Section 5 of this Act. Any subsequent repeal or revision of any enabling ordinance or ordinances shall not affect the Solid Waste Management Authority so created, but it shall continue to exist in full force and effect.

Sec. 7 POWERS OF THE AUTHORITY

(1) Subject to the limitations expressly set forth in this Act, and subject to the applicable rules and regulations of the State Board of Health,

Indiana Air Pollution Control Board, Indiana Stream Pollution Control Board, and Indiana Environmental Management Board, the Authority is hereby authorized and empowered to:

(a) Sue and be sued in any court of competent jurisdiction in its corporate name as a municipal corporation. Service of process shall be made by leaving a copy of the document to be served at the principal office of the Authority with the person in charge thereof or with the Executive Manager of the Authority;

(b) Adopt an official seal which shall be other than the seal of the State of Indiana;

(c) Adopt rules and regulations for the implementation of this Act and a code of by-laws covering its organization, meetings, officers and affairs;

(d) Acquire property, real, personal or mixed, by deed, purchase, lease, condemnation, eminent domain or otherwise; receive gifts, donations, bequests and become beneficiaries of trusts; receive federal or state aid; and hold, use, sell, lease, license, franchise, or dispose of its assets in furtherance of powers granted to the Authority;

(e) Make and enter into all contracts, licenses, franchises and agreements necessary or incidental to the performance of its duties and responsibilities;

(f) Enact such ordinances as are necessary to carry out its powers, duties and responsibilities as prescribed by this Act;

(g) Promulgate such regulations dealing with solid waste management practices as are necessary to carry out its powers, duties and responsibilities as prescribed by this Act;

(h) Adopt an annual budget and make expenditures and incur indebtedness in the name of the Authority in accordance with the provisions of the Act;

(i) Employ such personnel as may be necessary for the proper carrying out of its duties, functions and powers; and provide coverage for its employees under the provisions of the workmen's compensation act, the public employees retirement fund or such other pension and security plans as may be appropriate; and require the posting and recording of bonds by any of its employees. The cost of the bonds and their recording shall be borne by the Authority;

(j) Consult and cooperate with officials of regional, federal, state and other governmental units and agencies in the planning, programming, aiding, acquiring, developing, administering, operating, and supervising of solid waste management services;

(k) Do all acts and things necessary and proper to carry out the powers expressly granted by this Act in order to facilitate the premise storage, collection, transportation, transfer, processing, disposal and resource recovery of solid wastes within the geographic boundaries of the Authority and pursuant to the provisions of the Indiana Interlocal Cooperation Act as amended from time to time, outside the geographic boundaries of the Authority;

(l) By 3/4 vote of the Board of Directors, dissolve the Authority;

(m) Enter into contracts with persons or local governmental units for solid waste collection, transfer, transportation, processing, disposal and/or resource recovery services, or any combination thereof;

(n) Award leases, licenses,or franchises to persons or local governmental units for the purpose of furnishing solid waste collection and/or disposal and/or resource recovery services, under the conditions and including the terms as prescribed in Section 39 of this Act;

(o) Issue permits to persons or local governmental units to operate, maintain, use, lease, or otherwise control, supervise or administer solid waste disposal and/or resource recovery facilities under the conditions prescribed in Section 27 of this Act;

(p) Receive grants-in-aid as well as demonstration grants from federal and state agencies and departments, including but not limited to grants for partial or full resource recovery systems authorized by the 1970 Federal Resource Recovery Act as may be amended from time to time , as well as other federal government grants pertaining to solid waste planning, collection, disposal, or resource recovery sites,or other segments thereof.

(2) On and after the creation of an Authority pursuant to this Act, such Authority will have power to construct, implement, develop, administer, operate and maintain or to contract for the development, implementation, construction, administration, operation, and maintenance of solid waste disposal services, including the power to acquire by gift, purchase, lease eminent domain, exchange, bequest, devise or conveyance real and personal

property to be used for solid waste disposal and/or resource recovery facilities.

(3) On and after the creation of an Authority pursuant to this Act, the Authority: (i) shall have the power to furnish or to contract out, franchise, or otherwise provide for, solid waste collection services in any incorporated or unincorporated area or areas within its geographic boundaries, provided no local governmental collection services are then available or occurring in the area or areas in question; and further, (ii) shall have the power to assess and collect user fees for any collection services which might be provided pursuant to this Section.

(4) On and after the creation of the Authority pursuant to this Act, the Authority shall have the power to lay and collect ad valorem taxes, assess and collect user charges, and issue general obligation and revenue bonds and otherwise borrow funds as hereinafter provided and within the time periods and other limitations set out in this Act.

Sec. 8 DUITES AND RESPONSIBILITIES OF THE AUTHORITY

(1) An Authority created pursuant to this Act shall have the following duties and responsibilities:

(a) To assist regional planning agencies having a comprehensive planning function within all or a portion of the geographic area served by the Authority to formulate and develop a comprehensive solid waste management plan for the geographic area encompassed by such Authority. If no such regional planning agency exists, or if a regional planning agency does exist within the Authority's geographic area but does not develop a comprehensive solid waste management plan for the area, then the Authority shall have the primary responsibility and planning duty to formulate and develop a comprehensive solid waste management plan for the area within its geographic boundaries. Any plan so formulated by the Authority shall minimally include:

(i) A description of existing solid waste collection practices and disposal and/or resource recovery practices;

(ii) An identification of existing inadeuqate collection and/or disposal services, and of non-existent collection and/or disposal services;

(iii)An identification of geographic areas immediately needing new or improved solid waste management services;

(iv) A description and projection of future solid waste management needs as extrapolated from trends, surveys and other data which might be useful in anticipating future area development and solid waste management demands;

(v) An inventory of origins, locations, types, quantities and storage locations of bulky, residential, construction, industrial, commercial, institutional and hazardous solid wastes;

(vi) An inventory of the types, locations and capacities of solid waste disposal facilities along with a similar inventory of solid waste resource recovery facilities if any, and;

(vii) The goals or objectives which the Authority should strive to reach both in the near and longer terms,

(b) To acquire, develop and operate, or to authorize other person or persons or local governmental unit or units to acquire, develop or operate singularly or in combination, solid waste disposal and/or resource recovery facilities which will be sufficient to meet current needs of the area encompassed by the Authority in disposing and/or recovering of solid wastes emanating within the Authority's geographic boundaries in an efficient, safe, economical and scientific manner.

(c) To have the primary responsibility for developing, administering, supervising, and maintaining solid waste resource recovery and/or disposal services within its geographic boundaries, but the Authority may contract out, license or franchise private persons or local governmental units to lease, use, or operate any solid waste disposal and/or resource recovery facilities within the geographic jurisdiction of the Authority, and moreover, the Authority may contract with license or award franchises to persons to operate, provide, and/or maintain solid waste disposal and/or resource recovery services where circumstances indicate that private enterprise can economically and proficiently perform such services.

(d) To cooperate with regional, state and federal planning officials in performing their respective planning functions.

Sec. 9 BOARD OF DIRECTORS - POWERS

(1) The executive and legislative powers of the Authority are vested in a Board of Directors.

(2) All powers granted to the Authority not otherwise expressly vested by this Act shall be vested in, and exercisable by the Board.

Sec. 10 APPOINTMENT OF BOARD; VOTING STRENGTH; TERMS; RESIDENCY

(1) Within thirty (30) days after the creation of an Authority pursuant to this Act, members of the Board of Directors shall be appointed in the following manner:

From each county within the Authority which gives local approval pursuant to Section 6:

(a) One member for each 100,000 persons or part thereof residing within the largest city by population in such county shall be appointed for a term of one year by the mayor, with the approval of the city council, of such city.

(b) One member for each 100,000 persons or part thereof residing within the Outlying Urbanized Area shall be appointed for a term of one year by the Outlying Urbanized Area Solid Waste Governmental Council as provided in Section 11.

(c) One member for each 100,000 persons or part thereof residing with the second largest city by population in such county shall be appointed for a.term of two years by the mayor, with the approval of the city council, of such city.

(d) One member for each 100,000 persons or part thereof residing within the Outlying Rural Area shall be appointed for a term of two years by the County Commissioners.

(e) One member for each 100,000 persons or part thereof residing within the third largest city by population in such county shall be appointed for a term of two years by the mayor, with the approval of the city council, of such city.

(2) No member of the Board so appointed pursuant to this Section may concurrently serve as a public official, in any capacity, elected or appointed, or as an employee or civil servant of the local governmental unit which appointed him to this Board.

(3) The voting strength of each member of the Board of Directors shall be determined in the following manner:

(a) The total number of votes on the Board shall equal the total number of members on the Board.

(b) Each member of the Board shall have such a vote as bears the same ratio to the total number of votes as the population of the constituency of the entity which appointed said member bears to the total population of the Authority, subject to subsection (2) (c).

(c) In the event there is more than one (1) member on the Board appointed by the same entity, as provided in subsection (1), the quantity of the vote to which each such member is entitled pursuant to subsection (2) (b) shall be divided by the number of members on the Board appointed by such entity, and the resultant quotient shall constitute the vote to which each such member shall be entitled.

(d) The amount of the vote of each member computed pursuant to this act shall be expressed to the nearest one thousandth (.001) of one (1) vote.

(4) All such terms shall expire at the end of the designated periods as provided above and when successors have been appointed and qualified. Upon the expiration of the respective terms, the entity which made the appointment shall appoint a member to fill the vacancy caused by such expiration. All such appointments shall be for a term of two (2) years and until a successor shall have been appointed and qualified. The appointing entities respectively may re-appoint the member whose term has expired.

If any vacancy occurs on the Board by resignation or any reason other than the expiration of the term, the entity which made the appointment shall appoint a member for the residue of the term.

(5) Members of the Board may be impeached under the procedure provided for the impeachment of county officers.

(6) Members of the Board must be residents of the territorial jurisdiction of the Authority.

(7) All such members of the Board shall serve without compensation except each may be reimbursed for any expenses incurred in furtherance of the interest of the Board, and each shall receive an attendance fee of $25 for attendance at any regular or special meeting of the Board which fee is intended as reimbursement of expenses for attendance at such meeting and which fee is in lieu of any and all expenses related to attendance at the meeting.

Sec. 11 OUTLYING URBANIZED AREA SOLID WASTE GOVERNMENTAL COUNCIL

(1) There is hereby created in the Outlying Urbanized Area of each county the "Outlying Urbanized Area Solid Waste Governmental Council." The member bodies of such Council shall be the city councils and/or town boards in each incorporated area wholly or partly within the outlying urbanized area, and the county commissioners to represent all unincorporated areas within the Outlying Urbanized Area provided such unincorporated area or areas exist within the Outlying Urbanized Area.

(2) The voting strength of each member body of the Council shall be determined in the following manner:

(a) The total number of votes on the Council shall equal the total number of member bodies on the Council.

(b) Each member body shall have a vote as bears the same ratio to the total number of votes as the population of said city or town, or unincorporated area, as the case may be, bears to the total population of the Outlying Urbanized Area.

(c) The amount of the vote of each member body computed pursuant hereto shall be expressed to the nearest one thousandth (.001) of one (1) vote.

(3) The Council Chairman of the Outlying Urbanized Area Solid Waste Governmental Council shall be the mayor of the largest city or town by population within the Outlying Urbanized Area. The Council Chairman shall, not sooner than thirty (30) days nor later than twenty-one (21) days, prior to the time when the Solid Waste Governmental Council is to make an appointment or reappointment of a member or members to the Board of Directors of the Authority, notify, by certified mail, each member body of the time and place of a meeting of the Council, stating that such meeting is for the purpose of making such appointments. Each member body may nominate one (1) person for each appointment to be made and shall notify the Council Chairman of such nominations by certified mail not later than seven (7) days prior to the time set for such meeting. Upon receipt of each nomination, the Council Chairman shall notify each member of such nomination. Nominations shall not be accepted later than seven (7) days prior to the time for such meeting. Each member body shall select one of its members to attend such meetings and exercise the vote of such member body. Notice of the time, place and purpose of such meeting shall be advertised once, not more than fourteen (14) nor less than seven (7) days, in a newspaper or newspapers circulating throughout the entire Outlying Urbanized Area. Such meeting shall be open to the public. The meeting shall not be held without a quorum, which shall be the presence of holders of a majority of the total votes. The appointee shall be that person who receives the greatest total of votes cast on the issue of such appointment.

(4) The Outlying Urbanized Area Solid Waste Governmental Council created by this Act shall exist exclusively for the purposes expressed in this Act.

Sec. 12 OFFICERS OF BOARD

(1) On the first day of the first month following appointment of the members of the Board of Directors, and annually thereafter, the members of the Board shall elect one (1) of the number Chairman, and another Secretary.

(2) A Chairman and/or Secretary may serve successive terms if the members so choose by majority vote at the annual elections.

Sec. 13 BOARD MEETINGS; QUORUM; RECORD; RULES

(1) The Board of Directors shall by rule provide for regular meetings to be held at a designated interval throughout the year. The Board shall convene in a special meeting whenever such a meeting is called by the Chairman or by a majority of the members. Notice of a special meeting shall be given by publication in a newspaper of general circulation in the territorial jurisdiction of the Authority, not less than twenty-four (24) hours before such meeting. If there is no one newspaper which circulates generally throughout the entire Authority, identical notices shall be published in two or more newspapers such that it appears in each and every area of the Authority in a newspaper generally circulating in said areas. The Board shall keep its meetings open to the public.

(2) The presence of holders of a majority of the total votes of the Board (computed pursuant to Section 10) constitutes a quorum for a meeting. The Board may act officially by affirmative vote by the holders of a majority of the votes present at the meeting at which the action is taken.

(3) The Board shall cause a written record of its proceedings to be kept in its office, where the same shall be available for public inspection.

(4) The Board shall adopt a system of rules of procedure under which its meetings are to be held. It may suspend such rules by unanimous vote of the

members present at any meeting but it may not suspend such rules beyond the meeting at which the suspension of rules occurs.

(5) The Board may exercise the powers to supervise its internal affairs which are common to municipal legislative and administrative bodies.

Sec. 14 SOLID WASTE REGULATIONS; ORDINANCES; AUTHORIZATION; PROMULGATION

(1) The Board of Directors of the Authority is empowered to promulgate regulations governing solid waste premise storage, collection, transportation, transfer, processing, resource recovery, and disposal; EXCEPT THAT the Board has NO power to regulate or impose regulations on local governmental units rendering or contracting for the rendition of solid waste collection services in reference to such services, ALTHOUGH the Board may promulgate and enforce solid waste regulations regarding the condition, nature and composition of solid waste when tendered to an Authority operated, licensed, leased, franchised, or supervised transfer station or disposal or resource recovery facility, and may, in addition, designate by regulations the location or locations where a local governmental unit or other person may tender solid wastes to the Authority or its operating agent, licensee, lessee, franchisee, or other contracting party.

(2) The Board is also hereby empowered to enact ordinances necessary to fulfill its duties and obligations under this Act.

(3) A member of the Board of Directors or the Executive Manager of the Authority may introduce an ordinance at a meeting of the Board, by furnishing the Secretary of the Board with a written draft of the proposed ordinance who in turn shall assign to each proposed ordinance a distinguishing number and date when introduced.

(4) Not more than seven (7) days after the introduction of a proposed draft of an ordinance, nor less than seven (7) days before the final passage of a proposed draft of such ordinance, the Board shall publish a notice that the proposed ordinance is pending final action by the Board. Said notice shall be published in the same manner as provided in Section 13 for notice of a special meeting.

(5) The Board shall include in the notice reference to the subject-matter of the proposed ordinance and the time and place a hearing will be had thereon and shall indicate that the proposed draft is available for public inspection at the office of the Authority.

(6) The Board shall not later than the date of notice of the introduction of a proposed ordinance, place five (5) copies of the proposed draft on file in the office of the Authority for public inspection.

(7) At a meeting for which notice has been given as required by this Section, the Board may take final action on the proposed ordinance or may postpone final consideration thereof to a designated meeting in the future without giving additional notice.

(8) The Board may adopt a draft of an ordinance only at a meeting which is open to the public. Before adopting an ordinance, the Board shall give opportunity to any person present at the meeting to give testimony, evidence, or argument for or against the proposed ordinance in person or by counsel under such rules as to the number of persons who may be heard and time limits as may be adopted by the Board.

(9) When an ordinance is adopted, the Board shall at the same meeting designate the effective date of the ordinance. If the Board fails so to designate the effective date in the record of the proceedings of the Board,

the ordinance shall be effective on the fourteenth (14th) day after its passage.

(10) When the Board adopts an ordinance, the Board shall cause copies thereof to be made which shall be available to the public.

(11) The Board may provide for the printing of any or all of the solid waste regulations and/or ordinances of the Authority in pamphlet form or in bound volumes and may distribute same.

Sec. 15 EXECUTIVE MANAGER

(1) The Board shall appoint an Executive Manager of the Authority who shall serve at the pleasure of the Board. The Executive Manager shall be a resident of the territorial jurisdiction of the Authority throughout his employment. The salary of the Executive Manager shall be fixed in such amount as determined by the Board.

(2) The Executive Manager shall post a bond payable to the Authority in such principal sum as established by the Board conditioned upon his performance of the duties of his office as required by law and the faithful accounting of all money and property that may come into his hands or under his control. Said bond shall be recorded and kept in custody of the recorder of the County. The cost of such bond and its recording shall be borne by the Authority.

(3) The Executive Manager shall give his whole time to the duties of office and shall not engage in any other business, occupation or employment.

Sec. 16 DUTIES OF EXECUTIVE MANAGER

(1) The Executive Manager shall:

(a) Supervise all other offices and employees of the Authority in the execution of their respective duties;

(b) Be chief executive and administrative office of the Authority;

(c) Immediately upon his appointment, meet and consult with the officials of any city, county or other governmental unit within, or having jurisdiction over, an area within the territorial jurisdiction of the Authority, concerning an orderly transition of jurisdiction where necessary pursuant to this Act, and propose to the Board all ordinances, rules, regulations and agreements necessary to carry out such transition;

(d) Have full authority, according to standards and qualifications established by the Board, without regard to political affiliation, to appoint and dismiss all personnel except the chief engineer, the controller, and the chief counsel;

(e) Have authority, with the approval of the Board, to dismiss the controller, chief engineer or chief counsel;

(f) Submit to the Board annually, or more often if the Board requires, a status report on the operation of the Authority;

(g) Have authority, with the approval of the Board, to execute licenses, contracts, leases and/or enter into franchise arrangements in behalf of the Authority with persons, firms, corporations, public utilities, partnerships, associations, institutions and governmental and local governmental units, such contracts, licenses, leases and franchises to contain certain specific terms as provided in this Act;

(h) Have authority to conduct surveys, make studies, gather information, or contract for such services, pursuant to the Authority's qualified planning duty as prescribed by Section 8 (1) (a) of this Act;

(i) Cooperate and work with regional and governmental planning agencies in formulating an area or regional solid waste management system comprehensive plan;

(j) Carry out all other duties and responsibilities in behalf of the Authority as the Board may direct from time to time.

Sec. 17 CONTROLLER

(1) The Board shall appoint a Controller on the basis of fitness for the position. The Controller shall act as the auditor and treasurer of the Authority. The Controller shall give bond in such an amount and with conditions and surety to be prescribed and approved by the Board, and shall keep an accurate account of all appropriations made and all taxes levied by the Authority, of all moneys owing or due to the Authority and of all moneys received and disbursed. The Controller shall preserve all vouchers for payments and disbursements made, and shall not issue warrants for the payment of any claim until such claim has been allowed in accordance with the procedure prescribed by the rules of the Board. All warrants shall be countersigned by the Executive Manager. Whenever the Controller shall be called upon to issue any warrant, he shall have the power to require evidence that the amount claimed is justly due and in conformity with law and for that purpose may summon before him any officer, agent or employee of the Authority, or other person, and examine him on oath or affirmation, relating thereto, which oath or affirmation said Controller may administer.

(2) All money payable to the Authority shall be paid to the Controller

and he shall deposit the same under the provisions of the general laws of the State relating to the deposit of public funds by municipal corporations. He shall deposit moneys of the Authority in such depositories and in such accounts as the Board shall by resolution designate; provided, however, that where trust funds are received or being handled or managed under the provisions of a trust indenture, the same shall be handled in accordance with such terms and conditions.

(3) The Controller shall submit to the Board annually, and more often if required by the Board, a report of the accounts, exhibiting the revenues, receipts, and disbursements and the sources from which the revenues and funds are derived and in what manner the same may have been disbursed. The Board may require that such account be prepared by a certified public accountant or a firm or certified public accountants designated by the Board.

Sec. 18 CHIEF ENGINEER

(1) The Board may in its discretion appoint a Chief Engineer if the public interest so requires. Such appointment shall be made on the basis of fitness for the position and may be on a full-time, part-time, consulting or case basis and for such period and upon such terms as may be agreed upon.

(2) The Board shall fix the duties and responsibility of such Chief Engineer and may, in its discretion require bond in such amount and with conditions and surety to be prescribed and approved by the Board.

Sec. 19 COUNSEL

(1) The Board may in its discretion appoint a Counsel if the public interest so requires. Such appointment shall be made on the basis of fitness for the position and may be on a full-time, part-time, consulting or case basis and

for such period and upon such terms as may be agreed upon.

(2) The Board shall fix the duties and responsibility of such Counsel and may, in its discretion require bond in such amount and with conditions and surety to be prescribed and approved by the Board.

Sec. 20 FUNDING OF THE AUTHORITY

(1) In order to provide funds for carrying out the duties, powers, obligations and purposes of the Authority as prescribed in this Act, the Authority is hereby empowered to receive the following money on and after the effective date of this Act:

(a) Any and all money now available or which shall become available from the United States Government or any agency or subdivision thereof disbursing or allocating federal funds in furtherance of any powers of the Authority, whether the moneys so disbursed are in the form of planning, construction, demonstration, operation, implementation or development grants-in-aid, or
other Federal assistance.

(b) Any and all money that may at any time be appropriated by the General Assembly of the State of Indiana, or distributed by the State or any agency or subdivision thereof in furtherance of any powers of the Authority.

(c) Any and all money that may result from contracts, franchise fees, licenses, and/or leases as provided for in Section 21 of this Act.

(d) Any and all money assessed, collected and deposited with the Authority in the form of user charges as provided for in Section 22 of this Act.

(e) Any and all money assessed, and collected by the Authority in the form of permit application fees as provided for in Section 23 of this Act.

(f) Any and all money collected pursuant to the Authority's laying of an ad valorem tax as provided and as limited in Section 24 of this Act.

(g) Any and all money received as proceeds from the issuance and sale of general obligation and/or revenue warrant bonds as provided in Sections 25 and 26 of this Act.

(2) Funds to pay capital costs of the Authority are to be collected and raised pursuant to the Authority's ad valorem taxing powers under the conditions prescribed in Section 24 of this Act, or pursuant to any other local option taxing powers which the Indiana General Assembly may by statute vest in special jurisdiction taxing districts which districts would include an Authority or Authorities created hereunder.

Sec. 21 LICENSE OR FRANCHISE FEES AND LEASE PAYMENTS

(1) The Authority is hereby empowered to determine, assess and collect license or franchise fees in return for granting full or partial salvaging, resource recovery, collection, transfer, transportation or disposal rights to persons, local governmental units or public utilities. The license or franchise fees constitute the consideration for the Authority's extension of the privilege to engage in solid waste collection and/or disposal or salvaging activities or services. The power to assess and collect license or franchise fees in no way diminishes the power of the Authority to enter into contractual arrangements for private solid waste management operations whereby the Authority collects the user charges and from such revenues pays the contracting party or parties for services rendered.

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(2) The Authority is hereby empowered to lease and receive in consideration thereof, lease payments for any realty or personality which the Authority does or may in the future own or acquire, including but not limited to sanitary landfills, incinerators, compactors, transfer stations, composting facilities, or resource recovery equipment or apparatus.

Sec. 22 USER CHARGES

(1) The Authority is empowered to establish user charges for the solid waste management services which the Authority performs or contracts to be performed.

(2) User charges may be established for collection, transportation, transfer, compacting, composting, grinding, incinerating, storage, disposal, or resource recovery, or any combination thereof of solid wastes, and may be based on, but not limited to, for example, the following:

(a) Gate fees on the basis of truck load or partial load, or on the basis of cubic yards tendered, also depending on whether the solid waste so tendered has been compacted, shredded or otherwise processed;

(b) Incineration fees on the basis, for example of (i) cubic yards tendered; or (ii) combustible character of solid wastes tendered; or (iii) the origin of the solid wastes, industrial, commercial. residential, constructional or institutional.

(c) Grinding fees and composting fees;

(d) Transfer fees;

(e) Compacting or shredding fees;

(f) Resource recovery fees;

(g) Transportation fees based on volume and distance;

(h) Special fees for hazardous solid wastes;

(i) Special fees for bulky wastes;

(j) Cell disposal fees.

(3) Operational expenses to the extent possible are to be borne by user fee revenues.

(4) User fees may be assessed and collected on the classification of solid wastes as to industrial, commercial, agricultural, construction, residential, and institutional origin, and different rates or fees may be assessed and collected on the basis of such classification.

(5) User fees assessed local governmental units or the agents, contractors, licensees or franchisees of such local governmental units by the Authority for the transfer, transportation, storage, processing, disposal and/or resource recovery of solid wastes shall be uniform for all local governmental units within the geographic boundaries of the Authority, except that adjustments to user fees assessed and collected are to be made if a local governmental unit or its agent, licensee, contractor or franchisee is required by the Authority to transport solid wastes outside of such local governmental unit's geographic boundaries to a transfer station or disposal or resource recovery facility operated by the Authority, or by an agent, licensee, contractor or franchisee of such Authority.

Sec. 23 PERMIT APPLICATION FEES

(1) The Authority is empowered to require and establish a schedule of reasonable permit application fees applicable to any person, public utility or local governmental unit, the fee to accompany the permit application.

(2) Permits are required for those activities listed in Section 27 of this Act.

Sec. 24 AD VALOREM TAXES

(1) The Authority is empowered to receive the proceeds of a tax on the assessed valuation of property located within the geographic boundaries of the Authority in the manner and within the limitations set out in this Section.

(2) All of the territory included within the geographic boundaries of the Authority constitutes a special taxing district for the purpose of acquiring, developing, operating, supervising, constructing, maintaining, and administering solid waste management services, and for doing any act authorized as or incidental to a power of the Authority.

(3) Subject to the conditions set out in sub-section (9) of this Section, the Board of Directors of the Authority is empowered to levy each year a special tax upon all property and any improvements thereto, within the geographic boundaries of the Authority in such manner as to meet and pay the capital costs borne by the Authority, provided that the rate in no event shall exceed twenty-five (25¢) cents per $100 of assessed valuation, AND PROVIDED FURTHER that commencing with the sixth year after the year in which the Authority was created, the rate in no event shall exceed five (5¢) cents per $100 of assessed valuation within the geographic area encompassed by such Authority.

(4) All tax moneys collected by the Authority pursuant to this Section are to be used to pay capital costs incurred by the Authority including any capital cost debt retirement obligations outstanding, but are not to be used to pay operational expenses (except debt retirement obligations) of the Authority as defined in this Act.

(5) The Board shall annually prepare a budget for the capital costs and

operating expenses of the Authority and shall calculate the tax levy, if necessary, within the limitations of subsection (3) above, to provide sufficient funds for the capital costs necessary to carry out the powers, duties and responsibilities of the Authority. The budget shall be prepared and submitted in the same manner and with such notices as are provided by laws of the State relating to the preparation of budgets by cities of the first class. The budget shall not be subject to review and/or modification by the county council of the County.

(6) The annual budget prepared by the Board shall be advertised once in a newspaper or newspapers as provided in Section 13 of this Act. The annual budget shall not be subject to review by any person.

(7) Any tax rate levy proposed by the Board shall not be subject to review or modification by the County Council, but shall be subject to review, modification and approval of the County Tax Adjustment Board and State Tax Adjustment Board in the same manner as other special taxing districts proposed annual tax rate levies are required to be approved.

(8) The County Treasurer shall collect the tax levied pursuant to this Section in the same manner as other taxes are collected, and shall remit taxes so collected to the Controller of the Authority.

(9) Should the Indiana General Assembly enact a statute authorizing special jurisdiction taxing districts which districts would include an Authority or Authorities created hereunder to levy through a local option a tax other than on realty, then within one (1) year of the effective date of such a statute, the Authority is to discontinue the ad valorem tax levy on realty

and instead is empowered to exercise such local taxing option as may be authorized in order to raise revenues sufficient to meet the capital costs of the Authority.

(10) The books, accounts, and records of the Authority shall be subject to examination and audit by the State Board of Accounts to the same extent as the books, accounts and records of municipal corporations.

Sec. 25 REVENUE BONDS

(1) The Authority is empowered to borrow money for the purpose of acquiring any solid waste storage, collection, transportation, transfer, processing, disposal or resource recovery facility or facilities including land, or for acquiring necessary cash working funds or for planning, developing, implementing, construction, expanding, improving, or modifying all or any portion of a solid waste management system or any portion thereof.

(2) For the purpose of evidencing the obligation of the Authority to repay any money borrowed, the Authority may pursuant to ordinance adopted by the Board from time to time issue and dispose of its interest bearing revenue bonds or certificates and may also from time to time refund any bonds or certificates at maturity or pursuant to redemption provisions or at any time before maturity with the consent of the holders thereof. All such bonds and certificates shall be payable solely from the revenues or income or a specified part thereof to be derived from solid waste management services, may bear such date or dates, may mature at such time or times not exceeding forty years from their respective dates, may bear interest at such rate or rates, not exceeding five (5) percent per annum payable semi-annually, may be in such form, may carry such registration privileges, may be executed in such manner, may be payable at such place or places, may be subject to redemption in such manner and upon such terms, with or without premium as is stated on the face thereof, may be authenticated in such manner and may contain such terms and convenants, all as may be provided in such ordinance. Notwithstanding the form or tenor thereof and in the absence of an express recital on the face thereof that it is non-negotiable all such bonds and certificates shall be negotiable instruments. Pending the preparation and execution of any such bonds or certificates ,

temporary bonds or certificates may be issued with or without interest coupons as may be provided by ordinance.

To secure the payment of any or all of such bonds or certificates and for the purpose of setting forth the covenants and undertakings of the Authority in connection with the issuance thereof and the issuance of any additional bonds or certificates payable from such revenue of income as well as the use and application of the revenue or income to be derived from solid waste management services, the Authority may execute and deliver a trust agreement or agreements; provided that no lien upon any physical property of the Authority shall be created thereby, except that a lien may be created in any property purchased with the proceeds of such bonds; provided that no such lien shall be foreclosed and no such property sold, removed or otherwise rendered ineffective if such would unduly render less effective any property of the Authority not so purchased or so subject to said lien; and provided further that no such lien shall be foreclosed or otherwise asserted until there is a default of the primary obligation to pay said bonds out of Authority revenues or any part thereof and a failure of all sureties, guarantors or any other part primarily or secondarily liable for the payment of said bonds. A remedy for any breach or default of the terms of any such trust agreement by the Authority may be by mandemus proceedings in any court of competent jurisdiction to compel performance and compliance, but the trust agreement may prescribe by whom or on whose behalf such action may be instituted. Under no circumstances shall any bonds or certificates issued by the Authority become an obligation of the State of Indiana or of any political sub-division or municipality within the State, nor shall any such bond become an indebtedness of the Authority other than from those revenues from the operation of the Authority's solid waste management services as shall be specified by the ordinance authorizing said bonds, or if none are so specified, from all revenues so derived; nor shall any such bond, certificate, or obligation be or become an indebtedness of the Authority within the purview of any constitutional limitation or provision, and it shall be plainly stated on the face of each bond and certificate that it does not constitute such an indebtedness or obligation but is payable solely from the revenues or income as aforesaid. Before any such bonds or certificates (excepting refunding bonds or certificates) are sold the entire authorized issue, or any part thereof, shall be offered for sale as a unit after advertising for bids one time in each of three successive weeks in such newspaper or newspapers as provided in Section 13. Copies of such advertisement may be published in any newspaper or financial publication in the United States. All bids shall be sealed, filed and opened as provided by ordinance and the bonds or certificates shall be awarded to the highest and best bidder or bidders thereof. The Authority shall have the right to reject all bids in the manner provided for in the initial advertisement. However, if no bids are received, such bonds or certificates may be sold at not less than par value, without further advertising, within sixty (60) days after the bids are required to be filed pursuant to any advertisement.

(3) All bonds authorized by Section 25 (2), the interest thereon, and the income therefrom shall be exempt from taxation in the State of Indiana to the extent and as provided in Acts 1959, c.154, or as later amended, supplemented or superseded.

(4) Except as otherwise expressly provided in this Act, the provisions of all general laws relating to the filing of petitions requesting the issuance of bonds and giving of notice thereof, the giving of notice of a hearing on the appropriation of the proceeds of the bonds, and the right of taxpayers to appear and be heard on the proposed appropriation, and the right of taxpayers to remonstrate against the issuance of bonds shall be applicable to the issuance of bonds hereunder. The approval of the appropriation by the State Board of

Tax Commissioners shall not be required.

(5) No suit to question the validity of bonds issued under this Act or to prevent their issue and sale shall be instituted after the date set for the sale of the bonds and the bonds shall be incontestable for any cause whatsoever from and after such date.

Sec. 26 GENERAL OBLIGATION BONDS

(1) For the purpose of carrying out any of the powers or responsibilities of the Authority, the Board may, from time to time issue general obligation bonds of the Authority.

(2) In the event the Board shall determine to issue such bonds, the Board shall enact an ordinance authorizing and directing the issuance of bonds in an amount not to exceed the cost of the project or projects confirmed, including all expenses necessarily incurred in connection therewith. Such ordinances shall not require the approval of the county council of the County. Thereafter, the Board shall certify a copy of such ordinance to the Controller of the Authority who shall prepare the bonds. The bonds and any coupons attached shall be issued in the name of the Authority, and shall be executed by the Chairman of the Board, and they shall be attested by the Controller of the Authority, manually or with facsimile signatures, provided one (1) signature on the bonds shall be manual. The Controller shall be responsible for the sale of the bonds. It shall be unlawful for the Authority to order any general obligation bonds to be issued when the total bonded indebtedness outstanding, including such bonds theretofore issued and the bonds proposed to be issued, but exclusive of the amount of any revenue bonds issued prusuant to Section 25, is in excess of two percent (2%) of the assessed valuation of taxable property within the boundaries of the Authority, and all bonds issued in violation of

this provision shall be void. Such bonds shall be general obligations of the Authority payable from any and all Authority funds. Under no circumstances shall any such bonds or any obligation of the Authority be or become an obligation of the State of Indiana or of any other political sub-division of or municipality within the State other than the Authority in contravention of any constitutional limitation of provision.

(3) Bonds issued under this Section may bear such date or dates, may mature at such time or times not exceeding forty years from their respective dates, may bear interest at such rate or rates, not exceeding five (5) percent per annum payable semi-annually, may be executed in such manner, may be payable at such place or places, may be made subject to redemption in such manner and upon such terms, with or without premium as is stated on the face thereof, may be authenticated in such manner and may contain such terms and convenants, all as may be provided in such ordinance. Notwithstanding the form or tenor thereof and in the absence of an express recital on the face that it is non-negotiable, all such bonds and certificates shall be negotiable instruments. Pending the preparation and execution of any bonds or certificates, temporary bonds or certificates may be issued with or without interest coupons as may be provided by ordinance. The Board, by ordinance, may issue refunding bonds to refund any such bonds at maturity or pursuant to redemption provisions or at any time before maturity with the consent of the holders.

(4) To secure the payment of bonds issued under this section, the Board may, by ordinance, authorize the execution of any mortgage, pledge, trust agreement or any type of security agreement covering property, either real or personal or mixed in which the Authority has an interest except that the value of such collateral shall not exceed the amount of such bonds plus a reasonable margin of security.

(5) All bonds authorized by this section, the interest thereon and the income therefrom, shall be exempt from taxation in the State of Indiana to the extent and as provided in Acts 1959, c.154, or as amended, supplemented or superceded.

(6) Except as otherwise expressly provided in this Act, the provisions of all general laws relating to the filing of petitions requesting the issuance of bonds and giving of notice thereof, the giving of notice of a hearing on the appropriation of the proceeds of the bonds, and the right of taxpayers to appear and be heard on the proposed appropriation, and the right of taxpayers to remonstrate against the issuance of bonds shall be applicable to the issuance of bonds hereunder. The approval of the appropriation by the State Board of Tax Commissioners shall not be required.

(7) No suit to question the validity of bonds issued under this Act or to prevent their issue and sale shall be instituted after the date set for the sale of the bonds and the bonds shall be incontestable for any cause whatsoever from and after such date.

(8) The Board may appropriate any funds received by the Authority to be placed by the Controller in a bond retirement fund which is hereby created and established, and such funds shall be annually applied to bond reduction purposes.

Sec. 27 SOLID WASTE COLLECTION SALVAGING, PROCESSING, DISPOSAL OR RECOVERY PERMITS

(1) A permit shall be required of any person, or public utility to use its land or the land of any other person or public utility as a solid waste processing, recovery, or disposal site. Permit requirements shall not apply to farmers for normal farming operations including the utilization of feed lot animal wastes as compost or as a soil conditioner, nor shall the permit requirements apply to the storage of by-products which are utilized in the processing or manufacturing of other products; the permit requirements of this Section shall not apply to local governmental units.

(2) A permit shall be required of any person to engage in the collection of solid wastes in the ordinary course of business from residential, commercial, industrial, construction, or institutional sources, but such permits are not requiredfor local governmental units to collect, transport and transfer solid wastes within their respective geographic jurisdictions.

(3) Application for a permit to salvage solid wastes and resources from disposal sites and/or disposal or ecovery facilities is required. Removal of any material from a solid waste disposal or recovery site or facility without a permit from the Authority is prohibited and all unauthorized removal of materials, or scavenging, is prohibited.

(4) Applications for permits shall be submitted to the Authority which is empowered to require by rule that particular information and data accompany any permit application so submitted, subject to provisions of subsection (7) of this Section.

(5) The permit application requirements of this Act shall in no way obviate or otherwise affect State Board of Health approval which may be necessary for the Authority to operate or contract or sanction the operation of any solid waste disposal and/or resources recovery facility as required under provisions of the Indiana Refuse Disposal Act of 1969, as amendmended from time to time.

(6) The Authority has the obligation of promulgating regulations setting out the conditions for the issuance of collection, disposal site, resource recovery and salvaging permits.

(7) Should the State Board of Health, the Indiana Environmental Management Board, or some other State governmental unit or subdivision commence the issuance of permits for solid waste collection, disposal, or resource recovery activities, the Authority's permit obligations will be preempted and consequently

extinguished to the extent the State or subdivision thereto actually carries out the solid waste permit issuance function, but all permit applications will continue to be submitted first to the Authority which, if approving of them, shall transmit the permit application to the appropriate State governmental unit for final approval, rejection, or modification.

Sec. 28 INDIANA SANITARY LANDFILL STANDARDS

(1) The Authority in operating or in franchising, contracting for, leasing, licensing, or otherwise sanctioning the utilization of sanitary landfills, is bound by and shall comply with the Indiana Sanitary Landfill Standards adopted by the State Board of Health on October 1, 1968, and as may be amended, altered, modified, or repealed from time to time, as well as any and all other State Board duly promulgated regulations in reference to solid waste management services.

(2) Any franchisee, contractor, licensee, or lessee of the Authority as a condition for such franchise agreement, license, contract or lease must agree to abide fully with the State Board of Health Sanitary Landfill Standards and other applicable State Board regulation as referred to in subsection (1) of this Section.

Sec. 29 APPLICABILITY OF 1969 INDIANA REFUSE DISPOSAL ACT

(1) This Act, authorizing the establishment of solid waste management authorities in this State, is supplementary to the Indiana Refuse Disposal Act, Chapter 335, Acts of 1965, as Amended by Chapter 359, Acts of 1969, and as may be amended, altered and revised from time to time, except to the extent that provisions of this Act may be in conflict with specific provisions of the Indiana Refuse Disposal Act, in which event, then, as to, the powers, duties, obligations and limitations of any solid waste mangement authorities, this Act is deemed to control; in all other cases, the Indiana Refuse Disposal Act's provisions are deemed to control, subject to the provisions of subsections (2), (3) and (4) following.

(2) With the exception of the conflict in provisions rule set out in sub-section (1) of this Section, the Authority is empowered with all the rights, privileges and powers authorized under the provisions of the 1969 Indiana Refuse Disposal Act, and as may be amended, repealed, or altered from time to time.

(3) To the extent the 1969, Indiana Refuse Disposal Act delegates specific powers to a local governmental unit engaged in solid waste mangement service and this Act is quiet as to such powers, it is hereby declared that the powers so delegated by the 1969 Refuse Disposal Act, as may from time to time be amended, shall also vest in the Authority on and after its creation.

(4) To the extent the 1969 Indiana Refuse Disposal Act as may from time to time be amended prescribes conditions for exercising certain powers, or otherwise prescribes the manner in which certain powers are to be exercised, and this Act is silent as to such conditions or as to the manner of exercising such powers, then it is hereby declared that the conditions and manners specified in the 1969 Indiana Refuse Disposal Act do not apply to the Authority on and after its creation.

Sec. 30 APPLICABILITY OF INDIANA ENVIRONMENTAL MANAGEMENT ACT

(1)This Act is also supplementary to the Indiana Environmental Management Act, Acts of 1972, Chapter _____, authorizing the establishment of an Indiana Environmental Management Board.

(2) The Authority, its franchisees, lessees, licensees, contractors, and agents, are bound and shall comply with all rules and regulations as may exist from time to time which have been duly promulgated by the Indiana Enviornmental Management Board in reference to solid waste management practices.

Sec. 31 APPLICABILITY OF APCB AND SPCB RULES AND REGULATIONS

(1) The Authority, its franchisees, licensees, lessees, contractors, and agents are bound and shall comply with all rules and regulations and other orders which have been, or may in the future, be duly promulgated by both the Indiana Air Polltional Control Board, and by the Indiana Stream Pollutional Control Board, as related to solid waste management practices.

Sec. 32 PRESENT OPERATIONS EXCEPTED

(1) Any local governmental unit rendering or contracting for the rendition of solid waste disposal and/or resource recovery services as of the date of implementation of a Solid Waste Management Authority pursuant to this Act, and which local governmental unit shall be located within the geographic territory of such Authority so created, may continue to render, or to contract for the rendition of solid waste disposal services in the same manner and to the same or greater extent as such local governmental unit has rendered or provided for such disposal services at the time the Authority was created; PROVIDED HOWEVER, that such disposal services and/or activities are in conformity with applicable State Board of Health, Air Pollution Control Board, Stream Pollution Control Board, and Environmental Management Board rules and regulations.

(2) Any local governmental unit complying with the conditions prescribed in subsection (1) above, may continue with Authority approval or permission to render or contract for the rendition of solid waste disposal and/or resource recovery services with such governmental unit's geographic boundaries as may from time to time be expanded. The Authority may acquire or contract to acquire a solid waste disposal and/or resource recovery facility from such local governmental unit pursuant to the provisions of Sections 33, 34, and 38 of this Act.

Sec. 33 AUTHORITY ACQUISITION OF LOCAL GOVERNMENTAL SOLID WASTE AND/OR RESOURCE RECOVERY FACILITIES

(1) After the creation of an Authority pursuant to this Act, the Authority is empowered to acquire from local governmental units, at the option of such governmental units, persons and public utilities solid waste disposal and/or resource recovery facilities other than realty, and shall pay such local governmental units, person or public utility reasonably compensation for the value of any solid waste disposal and/or resource recovery facility so acquired.

(2) Nothing in this Act shall prevent an Authority which has acquired a solid waste disposal and/or resource recovery facility from a local governmental unit, person or public utility, from leasing back, licensing, contracting with, or franchising such local governmental unit, person or public utility to operate, supervise, or maintain such facility for the benefit of the Authority, provided such operation is in compliance with all applicable health and zoning laws and regulations.

(3) The Board by ordinance must declare that the Authority's acquisition

of a solid waste disposal and/or resource recovery facility is in the public interest, pursuant to the ordinance enactment procedures prescribed in Section 14 of this Act.

(4) Following passage by the Board of an ordinance pursuant to subsection (3), representatives of the Board including an attorney shall not less than twenty-one (21) days nor more than forty-two (42) days after the effective date of such ordinance, meet with representatives of the owner of such facility, whether such owner be a person, local government unit or public utility, and may negotiate the time, manner and conditions of the Authority's acquisition of the facility.

(5) Nothing in this Section authorizes an Authority to acquire a solid waste disposal and/or resource recovery site; the Authority's power to acquire real property is limited by the provisions of Sections 34 and 38 of this Act.

Section 34 AUTHORITY LEASE OF GOVERNMENTAL UNIT REALTY

(1) After the creation of an Authority pursuant to this Act, the Authority is empowered to lease from a governmental unit if it shall agree any realty including fixtures and improvements owned by such governmental unit which realty has been used and remains useful as a solid waste disposal and/or resource recovery site, and shall pay such governmental unit reasonable rents for any such realty so leased.

(2) Any lease executed pursuant to this Section shall not exceed five (5) years duration although such lease may periodically be renewed for terms not to exceed five (5) year periods, and as limited by subsection (3) that follows.

(3) At such time as any realty leased to an Authority by a governmental unit shall cease to be useful as a solid waste disposal and/or resource recovery site, all the legal interests which such governmental unit had in such realty immediately prior to the lease of the realty to the Authority shall revert to such governmental unit which may use or otherwise dispose of such realty in any manner permitted by law.

(4) The Board by ordinance must declare that the Authority's lease of a governmental unit's solid waste disposal and/or resource recovery site is in the public interest, pursuant to the ordinance enactment procedures prescribed in Section 14 of this Act.

(5) Following passage by the Board of an ordinance pursuant to subsection (4), representatives of the Board including an attorney shall not less than twenty-one (21) days nor more than forty-two (42) days after the effective date of such ordinance, meet with officials or representatives of the governmental unit owning the realty which the Authority desires to lease, and shall attempt to negotiate the time, manner, conditions and terms of the Authority's lease of the realty from such governmental unit.

(6) No Conditions in this Act shall prevent an Authority which has leased a solid waste disposal and/or resource recovery site from a governmental unit from leasing back the site to such governmental unit for the purpose of operating, supervising, or maintaining such site for the benefit of the Authority.

(7) Nothing in this Section shall be deemed to require a local governmental unit to enter into a lease of its realty to an Authority; any lease executed pursuant to this Section must be first agreed to by the local governmental unit, such agreement to be evidenced by a majority vote of the city council, town board, or county commissioners.

(8) Should the local governmental unit not agree to lease its realty to an Authority, the Authority is not empowered to condemn such realty, and all legal interests in such property will remain vested in such local governmental units.

Sec. 35 SALE OF RECOVERED RESOURCES

(1) The Authority, its lessees, licensees, franchisees, agents, and contracting parties are empowered to sell, convey, donate or otherwise dispose of materials and resources recovered, reconstituted or processed into useful and/or economically valuable substances.

(2) Any proceeds obtained by the sale of salvagable, recoverable or recovered or otherwise processed solid wastes may be used by the Authority: (i) to defray operational costs, (ii) for debt retirement, or (iii) may be deposited in a sinking or capital fund.

Sec. 36 EXEMPTION FROM PROPERTY TAXES

Any property, realty, or personalty, acquired by the Authority pursuant to this Act shall be exempt from ad valorem or other property taxes, but the Authority is obligated to reimburse local governmental units for revenue losses pursuant to Section 38 of this Act.

Sec. 37 PUBLIC HEARINGS; SUBPOENAS

The Authority may hold public hearings, and subpoena witnesses, and issue subpoenas duces tecum to carry out its powers provided in this Act.

Sec. 38 POWER OF EMINENT DOMAIN

(1) The Board may exercise the right of eminent domain for the condemnation of real or personal property, including any right or interest therein, for a public purpose within the territorial jurisdiction of the Authority, but such right is limited by provisions of this Section and by the provisions of Sections 33 and 34 of this Act. Proceedings for the condemnation of property shall be governed by the provisions of Acts of 1905, Chapter 48 or as amended, supplemented or superseded from time to time. The Board shall not institute any such proceedings until it has adopted an ordinance declaring that the public interest and necessity require the acquisition by the Authority of the property involved, which property shall be generally described in the ordinance, and that such acquisition is necessary for the establishment, development, extension or improvement of a solid waste disposal, transfer, or resource recovery system. The ordinance of the Board shall be conclusive evidence of the public necessity of such proposed acquisition and that such acquisition is planned in a manner which will be most compatible with the greatest public good and the least private injury.

(2) The Authority shall not exercise its power of eminent domain as against property whether realty or personalty, which is owned or leased by the State of Indiana or any political subdivision or agency thereof, including local governmental units as defined by this Act.

(3) In addition to the limitations prescribed in subsections (1) and (2) above, an Authority's right of eminent domain in leasing of real property is further restricted to realty located within the unincorporated areas of the Outlying Urbanized Area and of the Outlying Rural Areas, as these terms are defined in Section 4 of this Act, of any county or contiguous counties comprising the geographic area of such Authority. The Authority shall not institute condemnation preceedings against realty located within any incorporated area within the Authority geographic boundaries.

(4) Should an Authority wish to acquire real property including fixtures and improvements located within the geographic boundaries of any local governmental unit other than a county, the Authority may do so by purchasing, lease, gift, devise, or by exercising the power of eminent domain.

(5) Any realty including fixtures and improvements which the Authority may acquire within a local governmental unit other than a county from any person pursuant to subsection (4) of this Section, may be used as a solid waste disposal and/or resource recovery site only after the city council or town board by majority vote of such local governmental unit gives its approval. Such acquisition by an Authority must include the payment to the appropriate governmental unit a reasonable compensation for anticipated revenue losses caused by the realty being removed from such local governmental unit's ad valorem tax base.

(6) Any realty including fixtures and improvements which an Authority may acquire from any person and which realty is located within the unincorporated areas of the Authority's geographic boundaries, may be used as a solid waste disposal and/or resource recovery site only after the

county commissioners of such county give their approval by majority vote, such approval being required whether the realty is acquired through purchase, eminent domain, or otherwise. Any acquisition of realty pursuant to this subsection must include the payment of reasonable compensation to such county for anticipated revenue losses caused by the realty being removed from such county's ad valorem tax base.

Sec. 39 TERMS OF FRANCHISES, LEASES, AND CONTRACTS

(1) Any leases, franchises, licenses or other contractual agreements which leases, franchises, licenses or contractual agreements involve the rendition of solid waste management services in behalf of the Authority, and which are executed by the Authority with any person, governmental unit, or public utility shall minimally include the following terms:

(a) Length or duration of the lease, franchise, license or contract which length or duration shall not exceed five (5) years in any event, although which may be renewed upon the authorization of the Board given not before ninety days of the termination date of such license, lease, franchise, or contract;

(b) The extent of the services or service to be performed by the licensee, leasee, franchisee or other contracting party;

(c) The consideration, or the formula for computing the consideration which the Authority shall pay for the services rendered;

(d) A description of any realty and/or personalty acquired, leased, loaned, pledged, or otherwise conveyed to either a licensee, leasee, franchisee, contracting party, or to the Authority;

(e) A performance bonding provision in which the licensee, leasee, franchisee, or contracting party stipulates that a performance bond has been obtained from a surety to guarantee the performance of the services specified in the agreement except that local governmental units need not obtain or need not agree to obtain such performance bond;

(f) A provision setting out in detail the manner of assessing, collecting, and distributing user fees;

(g) A stipulation that all applicable State Board of Health, Stream Pollution Control Board, Air Pollution Control Board, and Environmental Management Board rules and regulations as relating to any solid waste management services to be performed under the contract, license, lease, or franchise are to be considered as additional applicable conditions of such license, lease, franchise or contract;

(h) A provision empowering the Authority to monitor, supervise, or otherwise oversee the lessee's, licensee's, franchisee's or contractor's performance during the duration of the agreement;

(i) A provision permitting the Authority to renegotiate performance standards, performance methods, and user fee provisions during the duration of the lease, license, contract or franchise as the Board deems necessary;

(j) A provision providing for and setting up a binding arbitration procedure for the fast and fair resolution of disputes which might arise, except that no such provision shall be required or shall be included if one of the contracting parties is a local governmental unit.

(2) All leases, licenses, franchises, or contracts which involve or authorize the rendition of solid waste management services in behalf of the Authority by persons, governmental units, or public utilities shall be approved by the Board with advice of counsel.

(3) The Board may award exclusive franchises and/or licenses for the rendition of solid waste management services within a specified area within the Authority's geographical boundaries, but such franchises and/or licenses shall be subject to the five (5) year maximum term as provided in subsection (1) of this Section.

Sec. 40 CONSTRUCTION

(1) The provisions of this Act necessary to secure the public health, safety, convenience and welfare, and the protection of public and private property from the perspectives of human and economic needs, shall be liberally construed to effectuate its purposes.

(2) Subtitles at the head of any section shall not be deemed a part of or limit to the provisions of any such section.

(3) If any section or portion of this Act shall be invalidated by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections or portions.

(4) All laws inconsistent with provisions of this Act are hereby repealed to the extent necessary, except for the provisions of the Indiana Refuse Disposal Act in which case the conflict of law rules of Section 29 of this Act apply.

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